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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LARSEN of Washington).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 20, 2009

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, shepherd Your people as never before. For the times are turbulent. Terrorism and violence in all its forms rips apart the very fabric of civilization ancient and new. Competition has broken partnership, friendship is rare, understanding between nations is threatened.

Who, but You will replace basic trust and faithful love once found in family life! As in the days of the prophet Zechariah, we call out to You, O Lord, to show forth Your power.

Take up Your two staves, one called ''Favor,'' the other ''Union.'' With the staff of ''Favor,'' fashion us again as Your people. Renew Your covenant love within Your chosen ones. With the staff of ''Union,'' bind us to one another both in need and in response as a people willing to be brother or sister once again.

Father, may You take delight in us as Your very own, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona (Mr. MITCHELL) come forward and lead the House in the Pledge of Allegiance.

Mr. MITCHELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 131. An act to establish the Ronald Reagan Centennial Commission.

CONFERENCE REPORT ON S. 454, WEAPON SYSTEM ACQUISITION REFORM ACT OF 2009

Mr. SKELTON submitted the following conference report and statement on the Senate bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purpose:

CONFERENCE REPORT (H. REPT. 111–124)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 454), to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Weapon Systems Acquisition Reform Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ACQUISITION ORGANIZATION

Sec. 101. Cost assessment and program evaluation.
Sec. 102. Directors of Developmental Test and Evaluation and Systems Engineering.
Sec. 103. Performance assessments and root cause analyses for major defense acquisition programs.
Sec. 104. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.
Sec. 105. Role of the commanders of the combatant commands in identifying joint military requirements.

TITLE II—ACQUISITION POLICY

Sec. 201. Consideration of trade-offs among cost, schedule, and performance objectives in Department of Defense acquisition programs.
Sec. 202. Acquisition strategies to ensure competition throughout the lifecycle of major defense acquisition programs.
Sec. 203. Prototyping requirements for major defense acquisition programs.
Sec. 204. Actions to identify and address systemic problems in major defense acquisition programs prior to Milestone B approval.
Sec. 205. Additional requirements for certain major defense acquisition programs.
Sec. 206. Critical cost growth in major defense acquisition programs.
Sec. 207. Organizational conflicts of interest in major defense acquisition programs.

TITLE III—ADDITIONAL ACQUISITION PROVISIONS

Sec. 301. Awards for Department of Defense personnel for excellence in the acquisition of products and services.
Sec. 302. Earned value management.
Sec. 303. Expansion of national security objectives of the national technology and industrial base.
Sec. 304. Comptroller General of the United States reports on costs and financial information regarding major defense acquisition programs.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) The term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

(3) The term ''major weapon system'' has the meaning given that term in section 2379(d) of title 10, United States Code.

TITLE I—ACQUISITION ORGANIZATION

SEC. 101. COST ASSESSMENT AND PROGRAM EVALUATION.

(a) DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

''§ 139c. Director of Cost Assessment and Program Evaluation

''(a) APPOINTMENT.—There is a Director of Cost Assessment and Program Evaluation in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate.

''(b) INDEPENDENT ADVICE TO SECRETARY OF DEFENSE.—(1) The Director of Cost Assessment and Program Evaluation is the principal advisor to the Secretary of Defense and other senior officials of the Department of Defense, and shall provide independent analysis and advice to such officials, on the following matters:

''(A) Matters assigned to the Director pursuant to this section and section 2334 of this title.

''(B) Matters assigned to the Director by the Secretary pursuant to section 113 of this title.

''(2) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

''(c) DEPUTY DIRECTORS.—There are two Deputy Directors within the Office of the Director of Cost Assessment and Program Evaluation, as follows:

''(1) The Deputy Director for Cost Assessment.

''(2) The Deputy Director for Program Evaluation.

''(d) RESPONSIBILITIES.—The Director of Cost Assessment and Program Evaluation shall serve as the principal official within the senior management of the Department of Defense for the following:

''(1) Cost estimation and cost analysis for acquisition programs of the Department of Defense, and carrying out the duties assigned pursuant to section 2334 of this title.

''(2) Analysis and advice on matters relating to the planning and programming phases of the Planning, Programming, Budgeting and Execution system, and the preparation of materials and guidance for such system, as directed by the Secretary of Defense, working in coordination with the Under Secretary of Defense (Comptroller).

''(3) Analysis and advice for resource discussions relating to requirements under consideration in the Joint Requirements Oversight Council pursuant to section 181 of this title.

''(4) Formulation of study guidance for analyses of alternatives for major defense acquisition programs and performance of such analyses, as directed by the Secretary of Defense

''(5) Review, analysis, and evaluation of programs for executing approved strategies and policies, ensuring that information on programs is presented accurately and completely, and assessing the effect of spending by the Department of Defense on the United States economy.

''(6) Assessments of special access and compartmented intelligence programs, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense for Intelligence and in accordance with applicable policies.

''(7) Assessments of alternative plans, programs, and policies with respect to the acquisition programs of the Department of Defense.

''(8) Leading the development of improved analytical skills and competencies within the cost assessment and program evaluation workforce of the Department of Defense and improved tools, data, and methods to promote performance, economy, and efficiency in analyzing national security planning and the allocation of defense resources.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139b the following new item:

''139c. Director of Cost Assessment and Program Evaluation.''.

(3) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Director of Operational Test and Evaluation, Department of Defense the following new item:

''Director of Cost Assessment and Program Evaluation, Department of Defense.''.

(b) INDEPENDENT COST ESTIMATION AND COST ANALYSIS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2334. Independent cost estimation and cost analysis

''(a) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall ensure that the cost estimation and cost analysis processes of the Department of Defense provide accurate information and realistic estimates of cost for the acquisition programs of the Department of Defense. In carrying out that responsibility, the Director shall—

''(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

''(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), the Secretaries of the military departments, and the heads of the Defense Agencies with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

''(3) issue guidance relating to the proper selection of confidence levels in cost estimates generally, and specifically, for the proper selection of confidence levels in cost estimates for major defense acquisition programs and major automated information system programs;

''(4) issue guidance relating to full consideration of life-cycle management and sustainability costs in major defense acquisition programs and major automated information system programs;

''(5) review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs;

''(6) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

''(A) in advance of—

''(i) any certification under section 2366a or 2366b of this title;

''(ii) any decision to enter into low-rate initial production or full-rate production;

''(iii) any certification under section 2433a of this title; and

''(iv) any report under section 2445c(f) of this title; and

''(B) at any other time considered appropriate by the Director or upon the request of the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

''(7) periodically assess and update the cost indexes used by the Department to ensure that such indexes have a sound basis and meet the Department's needs for realistic cost estimation.

''(b) REVIEW OF COST ESTIMATES, COST ANALYSES, AND RECORDS OF THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES.—The Secretary of Defense shall ensure that the Director of Cost Assessment and Program Evaluation—

''(1) promptly receives the results of all cost estimates and cost analyses conducted by the military departments and Defense Agencies, and all studies conducted by the military departments and Defense Agencies in connection with such cost estimates and cost analyses, for major defense acquisition programs and major automated information system programs of the military departments and Defense Agencies; and

''(2) has timely access to any records and data in the Department of Defense (including the records and data of each military department and Defense Agency and including classified and proprietary information) that the Director considers necessary to review in order to carry out any duties under this section.

''(c) PARTICIPATION, CONCURRENCE, AND APPROVAL IN COST ESTIMATION.—The Director of Cost Assessment and Program Evaluation may—

''(1) participate in the discussion of any discrepancies between an independent cost estimate and the cost estimate of a military department or Defense Agency for a major defense acquisition program or major automated information system program of the Department of Defense;

''(2) comment on deficiencies in the methodology or execution of any cost estimate or cost analysis developed by a military department or Defense Agency for a major defense acquisition program or major automated information system program;

''(3) concur in the choice of a cost estimate within the baseline description or any other cost estimate (including the confidence level for any such cost estimate) for use at any event specified in subsection (a)(6); and

''(4) participate in the consideration of any decision to request authorization of a multiyear procurement contract for a major defense acquisition program.

''(d) DISCLOSURE OF CONFIDENCE LEVELS FOR BASELINE ESTIMATES OF MAJOR DEFENSE ACQUISITION PROGRAMS.—The Director of Cost Assessment and Program Evaluation, and the Secretary of the military department concerned or the head of the Defense Agency concerned (as applicable), shall each—

''(1) disclose in accordance with paragraph (2) the confidence level used in establishing a cost estimate for a major defense acquisition program or major automated information system program, the rationale for selecting such confidence level, and, if such confidence level is less than 80 percent, the justification for selecting a confidence level of less than 80 percent; and

''(2) include the disclosure required by paragraph (1)—

''(A) in any decision documentation approving a cost estimate within the baseline description or any other cost estimate for use at any event specified in subsection (a)(6); and

''(B) in the next Selected Acquisition Report pursuant to section 2432 of this title in the case of a major defense acquisition program, or the next quarterly report pursuant to section 2445c of this title in the case of a major automated information system program.

''(e) ANNUAL REPORT ON COST ASSESSMENT ACTIVITIES.—(1) The Director of Cost Assessment and Program Evaluation shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year and assessing the progress of the Department in improving the accuracy of its cost estimates and analyses. Each report shall include, for the year covered by such report, an assessment of—

''(A) the extent to which each of the military departments and Defense Agencies have complied with policies, procedures, and guidance issued by the Director with regard to the preparation of cost estimates for major defense acquisition programs and major automated information systems;

''(B) the overall quality of cost estimates prepared by each of the military departments and Defense Agencies for major defense acquisition programs and major automated information system programs; and

''(C) any consistent differences in methodology or approach among the cost estimates prepared by the military departments, the Defense Agencies, and the Director.

''(2) Each report under this subsection shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the congressional defense committees not later than 10 days after the transmittal to Congress of the budget of the President for the next fiscal year (as submitted pursuant to section 1105 of title 31).

''(3)(A) Each report submitted to the congressional defense committees under this subsection shall be submitted in unclassified form, but may include a classified annex.

''(B) The Director shall ensure that a report submitted under this subsection does not include any information, such as proprietary or source selection sensitive information, that could undermine the integrity of the acquisition process.

''(C) The unclassified version of each report submitted to the congressional defense committees under this subsection shall be posted on an Internet website of the Department of Defense that is available to the public.

''(4) The Secretary of Defense may comment on any report of the Director to the congressional defense committees under this subsection.

''(f) STAFF.—The Secretary of Defense shall ensure that the Director of Cost Assessment and Program Evaluation has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

''2334. Independent cost estimation and cost analysis.''.

(c) TRANSFER OF PERSONNEL AND FUNCTIONS.—

(1) TRANSFER OF FUNCTIONS.—The functions of the Office of Program Analysis and Evaluation of the Department of Defense, including the functions of the Cost Analysis Improvement Group, are hereby transferred to the Office of the Director of Cost Assessment and Program Evaluation.

(2) TRANSFER OF PERSONNEL TO DEPUTY DIRECTOR FOR INDEPENDENT COST ASSESSMENT.—The personnel of the Cost Analysis Improvement Group are hereby transferred to the Deputy Director for Cost Assessment in the Office of the Director of Cost Assessment and Program Evaluation.

(3) TRANSFER OF PERSONNEL TO DEPUTY DIRECTOR FOR PROGRAM ANALYSIS AND EVALUATION.—The personnel (other than the personnel transferred under paragraph (2)) of the Office of Program Analysis and Evaluation are hereby transferred to the Deputy Director for Program Evaluation in the Office of the Director of Cost Assessment and Program Evaluation.

(d) CONFORMING AMENDMENTS.—

(1) Section 181(d) of title 10, United States Code, is amended by striking ''Director of the Office of Program Analysis and Evaluation'' and inserting ''Director of Cost Assessment and Program Evaluation''.

(2) Section 2306b(i)(1)(B) of such title is amended by striking ''Cost Analysis Improvement Group of the Department of Defense'' and inserting ''Director of Cost Assessment and Program Analysis''.

(3) Section 2366a(a)(4) of such title is amended by inserting '', with the concurrence of the Director of Cost Assessment and Program Evaluation,'' after ''has been submitted''.

(4) Section 2366b(a)(1)(C) of such title is amended by inserting '', with the concurrence of the Director of Cost Assessment and Program Evaluation,'' after ''have been developed to execute''.

(5) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

''(A) be prepared or approved by the Director of Cost Assessment and Program Evaluation; and''.

(6) Section 2445c(f)(3) of such title is amended by striking ''are reasonable'' and inserting ''have been determined, with the concurrence of the Director of Cost Assessment and Program Evaluation, to be reasonable''.

(e) REPORT ON MONITORING OF OPERATING AND SUPPORT COSTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than one year after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation under section 139c of title 10 United States Code (as added by subsection (a)), shall review existing systems and methods of the Department of Defense for tracking and assessing operating and support costs on major defense acquisition programs and submit to the Secretary of Defense a report on the finding and recommendations of the Director as a result of the review, including an assessment by the Director of the feasibility and advisability of establishing baselines for operating and support costs under section 2435 of title 10, United States Code.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report required by paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report the Secretary considers appropriate.

SEC. 102. DIRECTORS OF DEVELOPMENTAL TEST AND EVALUATION AND SYSTEMS ENGINEERING.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF POSITIONS.—Chapter 4 of title 10, United States Code, as amended by section 101(a) of this Act, is further amended by inserting after section 139c the following new section:

''§ 139d. Director of Developmental Test and Evaluation; Director of Systems Engineering: joint guidance

''(a) DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—

''(1) APPOINTMENT.—There is a Director of Developmental Test and Evaluation, who shall be appointed by the Secretary of Defense from among individuals with an expertise in test and evaluation.

''(2) PRINCIPAL ADVISOR FOR DEVELOPMENTAL TEST AND EVALUATION.—The Director shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on developmental test and evaluation in the Department of Defense.

''(3) SUPERVISION.—The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

''(4) COORDINATION WITH DIRECTOR OF SYSTEMS ENGINEERING.—The Director of Developmental Test and Evaluation shall closely coordinate with the Director of Systems Engineering to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development planning processes of the Department.

''(5) DUTIES.—The Director shall—

''(A) develop policies and guidance for—

''(i) the conduct of developmental test and evaluation in the Department of Defense (including integration and developmental testing of software);

''(ii) in coordination with the Director of Operational Test and Evaluation, the integration of developmental test and evaluation with operational test and evaluation;

''(iii) the conduct of developmental test and evaluation conducted jointly by more than one military department or Defense Agency;

''(B) review and approve the developmental test and evaluation plan within the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

''(C) monitor and review the developmental test and evaluation activities of the major defense acquisition programs;

''(D) provide advocacy, oversight, and guidance to elements of the acquisition workforce responsible for developmental test and evaluation;

''(E) periodically review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities, and provide input regarding needed changes or improvements for the test and evaluation strategic plan developed in accordance with section 196(d) of this title; and

''(F) perform such other activities relating to the developmental test and evaluation activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

''(6) ACCESS TO RECORDS.—The Secretary of Defense shall ensure that the Director has access to all records and data of the Department of Defense (including the records and data of each military department and including classified and propriety information, as appropriate) that the Director considers necessary in order to carry out the Director's duties under this subsection.

''(7) CONCURRENT SERVICE AS DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCES MANAGEMENT CENTER.—The individual serving as the Director of Developmental Test and Evaluation may also serve concurrently as the Director of the Department of Defense Test Resource Management Center under section 196 of this title.

''(b) DIRECTOR OF SYSTEMS ENGINEERING.—

''(1) APPOINTMENT.—There is a Director of Systems Engineering, who shall be appointed by the Secretary of Defense from among individuals with an expertise in systems engineering and development planning.

''(2) PRINCIPAL ADVISOR FOR SYSTEMS ENGINEERING AND DEVELOPMENT PLANNING.—The Director shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on systems engineering and development planning in the Department of Defense.

''(3) SUPERVISION.—The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

''(4) COORDINATION WITH DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—The Director

of Systems Engineering shall closely coordinate with the Director of Developmental Test and Evaluation to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development planning processes of the Department.

''(5) DUTIES.—The Director shall—

''(A) develop policies and guidance for—

''(i) the use of systems engineering principles and best practices, generally;

''(ii) the use of systems engineering approaches to enhance reliability, availability, and maintainability on major defense acquisition programs;

''(iii) the development of systems engineering master plans for major defense acquisition programs including systems engineering considerations in support of lifecycle management and sustainability; and

''(iv) the inclusion of provisions relating to systems engineering and reliability growth in requests for proposals;

''(B) review and approve the systems engineering master plan for each major defense acquisition program;

''(C) monitor and review the systems engineering and development planning activities of the major defense acquisition programs;

''(D) provide advocacy, oversight, and guidance to elements of the acquisition workforce responsible for systems engineering, development planning, and lifecycle management and sustainability functions;

''(E) provide input on the inclusion of systems engineering requirements in the process for consideration of joint military requirements by the Joint Requirements Oversight Council pursuant to section 181 of this title, including specific input relating to each capabilities development document;

''(F) periodically review the organizations and capabilities of the military departments with respect to systems engineering, development planning, and lifecycle management and sustainability, and identify needed changes or improvements to such organizations and capabilities; and

''(G) perform such other activities relating to the systems engineering and development planning activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

''(6) ACCESS TO RECORDS.—The Director shall have access to any records or data of the Department of Defense (including the records and data of each military department and including classified and proprietary information as appropriate) that the Director considers necessary to review in order to carry out the Director's duties under this subsection.

''(c) JOINT ANNUAL REPORT.—Not later than March 31 each year, beginning in 2010, the Director of Developmental Test and Evaluation and the Director of Systems Engineering shall jointly submit to the congressional defense committees a report on the activities undertaken pursuant to subsections (a) and (b) during the preceding year. Each report shall include a section on activities relating to the major defense acquisition programs which shall set forth, at a minimum, the following:

''(1) A discussion of the extent to which the major defense acquisition programs are fulfilling the objectives of their systems engineering master plans and developmental test and evaluation plans.

''(2) A discussion of the waivers of and deviations from requirements in test and evaluation master plans, systems engineering master plans, and other testing requirements that occurred during the preceding year with respect to such programs, any concerns raised by such waivers or deviations, and the actions that have been taken or are planned to be taken to address such concerns.

''(3) An assessment of the organization and capabilities of the Department of Defense for systems engineering, development planning, and developmental test and evaluation with respect to such programs.

''(4) Any comments on such report that the Secretary of Defense considers appropriate.

''(d) JOINT GUIDANCE.—The Director of Developmental Test and Evaluation and the Director of Systems Engineering shall jointly, in coordination with the official designated by the Secretary of Defense under section 103 of the Weapon Systems Acquisition Reform Act of 2009, issue guidance on the following:

''(1) The development and tracking of detailed measurable performance criteria as part of the systems engineering master plans and the developmental test and evaluation plans within the test and evaluation master plans of major defense acquisition programs.

''(2) The use of developmental test and evaluation to measure the achievement of specific performance objectives within a systems engineering master plan.

''(3) A system for storing and tracking information relating to the achievement of the performance criteria and objectives specified pursuant to this subsection.

''(e) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as amended by section 101(a) of this Act, is further amended by inserting after the item relating to section 139c the following new item:

''139d. Director of Developmental Test and Evaluation; Director of Systems Engineering: joint guidance.''.

(b) DEVELOPMENTAL TEST AND EVALUATION AND SYSTEMS ENGINEERING IN THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES.—

(1) PLANS.—The service acquisition executive of each military department and each Defense Agency with responsibility for a major defense acquisition program shall develop and implement plans to ensure the military department or Defense Agency concerned has provided appropriate resources for each of the following:

(A) Developmental testing organizations with adequate numbers of trained personnel in order to—

(i) ensure that developmental testing requirements are appropriately addressed in the translation of operational requirements into contract specifications, in the source selection process, and in the preparation of requests for proposals on all major defense acquisition programs;

(ii) participate in the planning of developmental test and evaluation activities, including the preparation and approval of a developmental test and evaluation plan within the test and evaluation master plan for each major defense acquisition program; and

(iii) participate in and oversee the conduct of developmental testing, the analysis of data, and the preparation of evaluations and reports based on such testing.

(B) Development planning and systems engineering organizations with adequate numbers of trained personnel in order to—

(i) support key requirements, acquisition, and budget decisions made for each major defense acquisition program prior to Milestone A approval and Milestone B approval through a rigorous systems analysis and systems engineering process;

(ii) include a robust program for improving reliability, availability, maintainability, and sustainability as an integral part of design and development within the systems engineering master plan for each major defense acquisition program; and

(iii) identify systems engineering requirements, including reliability, availability, maintainability, and lifecycle management and sustainability requirements, during the Joint Capabilities Integration Development System process, and incorporate such systems engineering requirements into contract requirements for each major defense acquisition program.

(2) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department and each Defense Agency with responsibility for a major defense acquisition program shall submit to the Director of Developmental Test and Evaluation and the Director of Systems Engineering a report on the extent to which—

(A) such military department or Defense Agency has implemented, or is implementing, the plan required by paragraph (1); and

(B) additional authorities or resources are needed to attract, develop, retain, and reward developmental test and evaluation personnel and systems engineers with appropriate levels of hands-on experience and technical expertise to meet the needs of such military department or Defense Agency.

(3) ASSESSMENT OF REPORTS BY DIRECTORS OF DEVELOPMENTAL TEST AND EVALUATION AND SYSTEMS ENGINEERING.—The first annual report submitted to Congress by the Director of Developmental Test and Evaluation and the Director of Systems Engineering under section 139d(c) of title 10, United States Code (as added by subsection (a)), shall include an assessment by the Directors of the reports submitted by the service acquisition executives to the Directors under paragraph (2).

SEC. 103. PERFORMANCE ASSESSMENTS AND ROOT CAUSE ANALYSES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) DESIGNATION OF SENIOR OFFICIAL RESPONSIBILITY FOR PERFORMANCE ASSESSMENTS AND ROOT CAUSE ANALYSES.—

(1) IN GENERAL.—The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense as the principal official of the Department of Defense responsible for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.

(2) NO PROGRAM EXECUTION RESPONSIBILITY.—The Secretary shall ensure that the senior official designated under paragraph (1) is not responsible for program execution.

(3) STAFF AND RESOURCES.—The Secretary shall assign to the senior official designated under paragraph (1) appropriate staff and resources necessary to carry out official's function under this section.

(b) RESPONSIBILITIES.—The senior official designated under subsection (a) shall be responsible for the following:

(1) Carrying out performance assessments of major defense acquisition programs in accordance with the requirements of subsection (c) periodically or when requested by the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology and Logistics, the Secretary of a military department, or the head of a Defense Agency.

(2) Conducting root cause analyses for major defense acquisition programs in accordance with the requirements of subsection (d) when required by section 2433a(a)(1) of title 10, United States Code (as added by section 206(a) of this Act), or when requested by the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology and Logistics, the Secretary of a military department, or the head of a Defense Agency.

(3) Issuing policies, procedures, and guidance governing the conduct of performance assessments and root cause analyses by the military departments and the Defense Agencies.

(4) Evaluating the utility of performance metrics used to measure the cost, schedule, and performance of major defense acquisition programs, and making such recommendations to the Secretary of Defense as the official considers appropriate to improve such metrics.

(5) Advising acquisition officials on performance issues regarding a major defense acquisition program that may arise—

(A) prior to certification under section 2433a of title 10, United States Code (as so added);

(B) prior to entry into full-rate production; or

(C) in the course of consideration of any decision to request authorization of a multiyear procurement contract for the program.

(c) PERFORMANCE ASSESSMENTS.—For purposes of this section, a performance assessment with respect to a major defense acquisition program is an evaluation of the following:

(1) The cost, schedule, and performance of the program, relative to current metrics, including performance requirements and baseline descriptions.

(2) The extent to which the level of program cost, schedule, and performance predicted relative to such metrics is likely to result in the timely delivery of a level of capability to the warfighter that is consistent with the level of resources to be expended and provides superior value to alternative approaches that may be available to meet the same military requirement.

(d) ROOT CAUSE ANALYSES.—For purposes of this section and section 2433a of title 10, United States Code (as so added), a root cause analysis with respect to a major defense acquisition program is an assessment of the underlying cause or causes of shortcomings in cost, schedule, or performance of the program, including the role, if any, of—

(1) unrealistic performance expectations;

(2) unrealistic baseline estimates for cost or schedule;

(3) immature technologies or excessive manufacturing or integration risk;

(4) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;

(5) changes in procurement quantities;

(6) inadequate program funding or funding instability;

(7) poor performance by government or contractor personnel responsible for program management; or

(8) any other matters.

(e) SUPPORT OF APPLICABLE CAPABILITIES AND EXPERTISE.—The Secretary of Defense shall ensure that the senior official designated under subsection (a) has the support of other Department of Defense officials with relevant capabilities and expertise needed to carry out the requirements of this section.

(f) ANNUAL REPORT.—Not later than March 1 each year, beginning in 2010, the official responsible for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs shall submit to the congressional defense committees a report on the activities undertaken under this section during the preceding year.

SEC. 104. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

(a) ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Director of Defense Research and Engineering, in consultation with the Director of Developmental Test and Evaluation, shall periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Director shall submit to the Secretary of Defense and to the congressional defense committees by March 1 of each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.''.

(2) FIRST ANNUAL REPORT.—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to the congressional defense committees not later than March 1, 2010, and shall address the results of reviews and assessments conducted by the Director of Defense Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year.

(b) REPORT ON RESOURCES FOR IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources that may be required by the Director, and by other research and engineering elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a)(1).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code.

(3) The requirements of Department of Defense Instruction 5000, as revised.

(c) TECHNOLOGICAL MATURITY STANDARDS.—Not later than 180 days after the date of the enactment of this Act, the Director of Defense Research and Engineering, in consultation with the Director of Developmental Test and Evaluation, shall develop knowledge-based standards against which to measure the technological maturity and integration risk of critical technologies at key stages in the acquisition process for purposes of conducting the reviews and assessments of major defense acquisition programs required by subsection (c) of section 139a of title 10, United States Code (as so added).

SEC. 105. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.

(a) IN GENERAL.—Section 181(d) of title 10, United States Code, as amended by section 101(d) of this Act, is further amended—

(1) by inserting ''(1)'' before ''The Under Secretary''; and

(2) by adding at the end the following new paragraph:

''(2) The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (e).''.

(b) INPUT FROM COMMANDERS OF COMBATANT COMMANDS.—The Joint Requirements Oversight Council in the Department of Defense shall seek and consider input from the commanders of combatant commands, in accordance with section 181(d) of title 10, United States Code (as amended by subsection (a)). Such input may include, but is not limited to, an assessment of the following:

(1) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would inform the assessment of a new joint military requirement.

(2) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

(3) The relative priority of a proposed joint military requirement in comparison with other joint military requirements within the theater of operations of the commander of a combatant command.

(4) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or the benefit, if any, of a partner nation assisting in development or use of technologies developed to meet the joint military requirement.

(c) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—

(1) REQUIREMENT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of—

(A) subsection (d)(2) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands;

(B) the amendments to subsection (b) of section 181 of title 10, United States Code, made by section 942 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 287) and by section 201(b) of this Act; and

(C) the requirements of section 201(c) of this Act.

(2) MATTERS COVERED.—The report shall include, at a minimum, an assessment of—

(A) the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements;

(B) the quality and effectiveness of efforts to estimate the level of resources needed to fulfill joint military requirements; and

(C) the extent to which the Council has considered trade-offs among cost, schedule, and performance objectives.

TITLE II—ACQUISITION POLICY

SEC. 201. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE OBJECTIVES IN DEPARTMENT OF DEFENSE ACQUISITION PROGRAMS.

(a) CONSIDERATION OF TRADE-OFFS.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that mechanisms are developed and implemented to require consideration of trade-offs among cost, schedule, and performance objectives as part of the process for developing requirements for Department of Defense acquisition programs.

(2) ELEMENTS.—The mechanisms required under this subsection shall ensure, at a minimum, that—

(A) Department of Defense officials responsible for acquisition, budget, and cost estimating functions are provided an appropriate opportunity to develop estimates and raise cost and schedule matters before performance objectives are established for capabilities for which the Chairman of the Joint Requirements Oversight Council is the validation authority; and

(B) the process for developing requirements is structured to enable incremental, evolutionary, or spiral acquisition approaches, including the deferral of technologies that are not yet mature and capabilities that are likely to significantly increase costs or delay production until later increments or spirals.

(b) DUTIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by inserting ''and'' at the end of subparagraph (B) after the semicolon; and

(C) by adding at the end the following new subparagraph:

''(C) in ensuring the consideration of trade-offs among cost, schedule, and performance objectives for joint military requirements in consultation with the advisors specified in subsection (d);''.

(2) in paragraph (3)—

(A) by inserting '', in consultation with the Under Secretary of Defense (Comptroller), the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Director of Cost Assessment and Performance Evaluation,'' after ''assist the Chairman''; and

(B) by striking ''and'' after the semicolon at the end;

(3) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(5) assist the Chairman, in consultation with the commanders of the combatant commands and the Under Secretary of Defense for Acquisition, Technology, and Logistics, in establishing an objective for the overall period of time within which an initial operational capability should be delivered to meet each joint military requirement.''.

(c) REVIEW OF JOINT MILITARY REQUIREMENTS.—The Secretary of Defense shall ensure that each new joint military requirement recommended by the Joint Requirements Oversight Council is reviewed to ensure that the Joint Requirements Oversight Council has, in making such recommendation—

(1) taken appropriate action to seek and consider input from the commanders of the combatant commands, in accordance with the requirements of section 181(d) of title 10, United States Code (as amended by section 105(a) of this Act);

(2) engaged in consideration of trade-offs among cost, schedule, and performance objectives in accordance with the requirements of section 181(b)(1)(C) of title 10, United States Code (as added by subsection (b)); and

(3) engaged in consideration of issues of joint portfolio management, including alternative material and non-material solutions, as provided in Department of Defense instructions for the development of joint military requirements.

(d) STUDY GUIDANCE FOR ANALYSES OF ALTERNATIVES.—The Director of Cost Assessment and Program Evaluation shall take the lead in the development of study guidance for an analysis of alternatives for each joint military requirement for which the Chairman of the Joint Requirements Oversight Council is the validation authority. In developing the guidance, the Director shall solicit the advice of appropriate officials within the Department of Defense and ensure that the guidance requires, at a minimum—

(1) full consideration of possible trade-offs among cost, schedule, and performance objectives for each alternative considered; and

(2) an assessment of whether or not the joint military requirement can be met in a manner that is consistent with the cost and schedule objectives recommended by the Joint Requirements Oversight Council.

(e) ANALYSIS OF ALTERNATIVES IN CERTIFICATION FOR MILESTONE A.—Section 2366a(a) of title 10, United States Code, as amended by section 101(d)(3) of this Act, is further amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) that an analysis of alternatives has been performed consistent with study guidance developed by the Director of Cost Assessment and Program Evaluation; and''.

(f) DUTIES OF MILESTONE DECISION AUTHORITY.—Section 2366b(a)(1)(B) of such title is amended by inserting ''appropriate trade-offs among cost, schedule, and performance objectives have been made to ensure that'' before ''the program is affordable''.

SEC. 202. ACQUISITION STRATEGIES TO ENSURE COMPETITION THROUGHOUT THE LIFECYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ACQUISITION STRATEGIES TO ENSURE COMPETITION.—The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program includes—

(1) measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level (at such tier or tiers as are appropriate) of such program throughout the life-cycle of such program as a means to improve contractor performance; and

(2) adequate documentation of the rationale for the selection of the subcontract tier or tiers under paragraph (1).

(b) MEASURES TO ENSURE COMPETITION.—The measures to ensure competition, or the option of competition, for purposes of subsection (a)(1) may include measures to achieve the following, in appropriate cases if such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Unbundling of contracts.

(4) Funding of next-generation prototype systems or subsystems.

(5) Use of modular, open architectures to enable competition for upgrades.

(6) Use of build-to-print approaches to enable production through multiple sources.

(7) Acquisition of complete technical data packages.

(8) Periodic competitions for subsystem upgrades.

(9) Licensing of additional suppliers.

(10) Periodic system or program reviews to address long-term competitive effects of program decisions.

(c) ADDITIONAL MEASURES TO ENSURE COMPETITION AT SUBCONTRACT LEVEL.—The Secretary shall take actions to ensure fair and objective ''make-buy'' decisions by prime contractors on major defense acquisition programs by—

(1) requiring prime contractors to give full and fair consideration to qualified sources other than the prime contractor for the development or construction of major subsystems and components of major weapon systems;

(2) providing for government surveillance of the process by which prime contractors consider such sources and determine whether to conduct such development or construction in-house or through a subcontract; and

(3) providing for the assessment of the extent to which a contractor has given full and fair consideration to qualified sources other than the contractor in sourcing decisions as a part of past performance evaluations.

(d) CONSIDERATION OF COMPETITION THROUGHOUT OPERATION AND SUSTAINMENT OF MAJOR WEAPON SYSTEMS.—Whenever a decision regarding source of repair results in a plan to award a contract for performance of maintenance and sustainment of a major weapon system, the Secretary shall take actions to ensure that, to the maximum extent practicable and consistent with statutory requirements, contracts for such maintenance and sustainment are awarded on a competitive basis and give full consideration to all sources (including sources that partner or subcontract with public or private sector repair activities).

(e) APPLICABILITY.—

(1) STRATEGY AND MEASURES TO ENSURE COMPETITION.—The requirements of subsections (a) and (b) shall apply to any acquisition plan for a major defense acquisition program that is developed or revised on or after the date that is 60 days after the date of the enactment of this Act.

(2) ADDITIONAL ACTIONS.—The actions required by subsections (c) and (d) shall be taken within 180 days after the date of the enactment of this Act.

SEC. 203. PROTOTYPING REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) COMPETITIVE PROTOTYPING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall modify the guidance of the Department of Defense relating to the operation of the acquisition system with respect to competitive prototyping for major defense acquisition programs to ensure the following:

(1) That the acquisition strategy for each major defense acquisition program provides for competitive prototypes before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the Milestone Decision Authority for such program waives the requirement pursuant to paragraph (2).

(2) That the Milestone Decision Authority may waive the requirement in paragraph (1) only—

(A) on the basis that the cost of producing competitive prototypes exceeds the expected life-cycle benefits (in constant dollars) of producing such prototypes, including the benefits of improved performance and increased technological and design maturity that may be achieved through competitive prototyping; or

(B) on the basis that, but for such waiver, the Department would be unable to meet critical national security objectives.

(3) That whenever a Milestone Decision Authority authorizes a waiver pursuant to paragraph (2), the Milestone Decision Authority—

(A) shall require that the program produce a prototype before Milestone B approval (or Key Decision Point B approval in the case of a space program) if the expected life-cycle benefits (in constant dollars) of producing such prototype exceed its cost and its production is consistent with achieving critical national security objectives; and

(B) shall notify the congressional defense committees in writing not later than 30 days after the waiver is authorized and include in such notification the rationale for the waiver and the plan, if any, for producing a prototype.

(4) That prototypes may be required under paragraph (1) or (3) for the system to be acquired or, if prototyping of the system is not feasible, for critical subsystems of the system.

(b) COMPTROLLER GENERAL REVIEW OF CERTAIN WAIVERS.—

(1) NOTICE TO COMPTROLLER GENERAL.—Whenever a Milestone Decision Authority authorizes a waiver of the requirement for prototypes pursuant to paragraph (2) of subsection (a) on the basis of excessive cost, the Milestone Decision Authority shall submit the notification of the waiver, together with the rationale, to the Comptroller General of the United States at the same time it is submitted to the congressional defense committees.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after receipt of a notification of a waiver under paragraph (1), the Comptroller General shall—

(A) review the rationale for the waiver; and

(B) submit to the congressional defense committees a written assessment of the rationale for the waiver.

SEC. 204. ACTIONS TO IDENTIFY AND ADDRESS SYSTEMIC PROBLEMS IN MAJOR DEFENSE ACQUISITION PROGRAMS PRIOR TO MILESTONE B APPROVAL.

(a) MODIFICATION TO CERTIFICATION REQUIREMENT.—Subsection (a) of section 2366a of title 10, United States Code, is amended by striking ''may not receive Milestone A approval, or Key Decision Point A approval in the case of a space program,'' and inserting ''may not receive Milestone A approval, or Key Decision Point A approval in the case of a space program, or otherwise be initiated prior to Milestone B approval, or Key Decision Point B approval in the case of a space program,''.

(b) MODIFICATION TO NOTIFICATION REQUIREMENT.—Subsection (b) of such section is amended—

(1) by inserting ''(1)'' before ''With respect to'';

(2) in paragraph (1), as so designated, by striking ''by at least 25 percent,'' and inserting ''by at least 25 percent, or the program manager determines that the period of time required for the delivery of an initial operational capability is likely to exceed the schedule objective established pursuant to section 181(b)(5) of this title by more than 25 percent,''; and

(3) by adding at the end the following new paragraph:

''(2) Not later than 30 days after a program manager submits a notification to the Milestone Decision Authority pursuant to paragraph (1) with respect to a major defense acquisition program, the Milestone Decision Authority shall submit to the congressional defense committees a report that—

''(A) identifies the root causes of the cost or schedule growth in accordance with applicable policies, procedures, and guidance;

''(B) identifies appropriate acquisition performance measures for the remainder of the development of the program; and

''(C) includes one of the following:

''(i) A written certification (with a supporting explanation) stating that—

''(I) the program is essential to national security;

''(II) there are no alternatives to the program that will provide acceptable military capability at less cost;

''(III) new estimates of the development cost or schedule, as appropriate, are reasonable; and

''(IV) the management structure for the program is adequate to manage and control program development cost and schedule.

''(ii) A plan for terminating the development of the program or withdrawal of Milestone A approval, or Key Decision Point A approval in the case of a space program, if the Milestone Decision Authority determines that such action is in the interest of national defense.''.

(c) APPLICATION TO ONGOING PROGRAMS.—

(1) IN GENERAL.—Each major defense acquisition program described in paragraph (2) shall be certified in accordance with the requirements of section 2366a of title 10, United States Code (as amended by this section), within one year after the date of the enactment of this Act.

(2) COVERED PROGRAMS.—The requirement in paragraph (1) shall apply to any major defense acquisition program that—

(A) was initiated before the date of the enactment of this Act; and

(B) as of the date of certification under paragraph (1) has not otherwise been certified pursuant to either section 2366a (as so amended) or 2366b of title 10, United States Code.

SEC. 205. ADDITIONAL REQUIREMENTS FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ADDITIONAL REQUIREMENTS RELATING TO MILESTONE B APPROVAL.—Section 2366b of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting ''(1)'' before ''The milestone decision authority may''; and

(B) by striking the second sentence and inserting the following:

''(2) Whenever the milestone decision authority makes such a determination and authorizes such a waiver—

''(A) the waiver, the determination, and the reasons for the determination shall be submitted in writing to the congressional defense committees within 30 days after the waiver is authorized; and

''(B) the milestone decision authority shall review the program not less often than annually to determine the extent to which such program currently satisfies the certification components specified in paragraphs (1) and (2) of subsection (a) until such time as the milestone decision authority determines that the program satisfies all such certification components.'';

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection (e):

''(e) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program receiving a waiver pursuant to subsection (d) shall prominently and clearly indicate that such program has not fully satisfied the certification requirements of this section until such time as the milestone decision authority makes the determination that such program has satisfied all such certification components.''; and

(3) in subsection (a)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) has received a preliminary design review and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission; and''; and

(D) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) in subparagraph (D), by striking the semicolon and inserting '', as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and'';

(ii) by striking subparagraph (E); and

(iii) by redesignating subparagraph (F) as subparagraph (E).

(b) CERTIFICATION AND REVIEW OF PROGRAMS ENTERING DEVELOPMENT PRIOR TO ENACTMENT OF SECTION 2366B OF TITLE 10.—

(1) DETERMINATION.—Not later than 270 days after the date of the enactment of this Act, for each major defense acquisition program that received Milestone B approval before January 6, 2006, and has not received Milestone C approval, and for each space program that received Key Decision Point B approval before January 6, 2006, and has not received Key Decision Point C approval, the Milestone Decision Authority shall determine whether or not such program satisfies all of the certification components specified in paragraphs (1) and (2) of subsection (a) of section 2366b of title 10, United States Code (as amended by subsection (a) of this section).

(2) ANNUAL REVIEW.—The Milestone Decision Authority shall review any program determined pursuant to paragraph (1) not to satisfy any of the certification components of subsection (a) of section 2366b of title 10, United States Code (as so amended), not less often than annually thereafter to determine the extent to which such program currently satisfies such certification components until such time as the Milestone Decision Authority determines that such program satisfies all such certification components.

(3) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program which the Milestone Decision Authority determines under paragraph (1) does not satisfy all of the certification components of subsection (a) of section 2366b of title 10, United States Code, (as so amended) shall prominently and clearly indicate that such program has not fully satisfied such certification components until such time as the Milestone Decision Authority makes the determination that such program has satisfied all such certification components.

(c) REVIEWS OF PROGRAMS RESTRUCTURED AFTER EXPERIENCING CRITICAL COST GROWTH.—The official designated to perform oversight of performance assessment pursuant to section 103 of this Act, shall assess the performance of each major defense acquisition program that has exceeded critical cost growth thresholds established pursuant to section 2433(e) of title 10, United States Code, but has not been terminated in accordance with section 2433a of such title (as added by section 206(a) of this Act) not less often than semi-annually until one year after the date on which such program receives a new milestone approval, in accordance with section 2433a(c)(3) of such title (as so added). The results of reviews performed under this subsection shall be reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics and summarized in the next annual report of such designated official.

SEC. 206. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2433 the following new section:

''§ 2433a. Critical cost growth in major defense acquisition programs

''(a) REASSESSMENT OF PROGRAM.—If the program acquisition unit cost or procurement unit cost of a major defense acquisition program or designated subprogram (as determined by the Secretary under section 2433(d) of this title) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Secretary of Defense, after consultation with the Joint Requirements Oversight Council regarding program requirements, shall—

''(1) determine the root cause or causes of the critical cost growth in accordance with applicable statutory requirements and Department of Defense policies, procedures, and guidance; and

''(2) in consultation with the Director of Cost Assessment and Program Evaluation, carry out an assessment of—

''(A) the projected cost of completing the program if current requirements are not modified;

''(B) the projected cost of completing the program based on reasonable modification of such requirements;

''(C) the rough order of magnitude of the costs of any reasonable alternative system or capability; and

''(D) the need to reduce funding for other programs due to the growth in cost of the program.

''(b) PRESUMPTION OF TERMINATION.—(1) After conducting the reassessment required by subsection (a) with respect to a major defense acquisition program, the Secretary shall terminate the program unless the Secretary submits to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in section 2433(g) of this title is required to be submitted under section 2432(f) of this title, a written certification in accordance with paragraph (2).

''(2) A certification described by this paragraph with respect to a major defense acquisition program is a written certification that—

''(A) the continuation of the program is essential to the national security;

''(B) there are no alternatives to the program which will provide acceptable capability to meet the joint military requirement (as defined in section 181(g)((1) of this title) at less cost;

''(C) the new estimates of the program acquisition unit cost or procurement unit cost have been determined by the Director of Cost Assessment and Program Evaluation to be reasonable;

''(D) the program is a higher priority than programs whose funding must be reduced to accommodate the growth in cost of the program; and

''(E) the management structure for the program is adequate to manage and control program acquisition unit cost or procurement unit cost.

''(3) A written certification under paragraph (2) shall be accompanied by a report presenting the root cause analysis and assessment carried out pursuant to subsection (a) and the basis for each determination made in accordance with subparagraphs (A) through (E) of paragraph (2), together with supporting documentation.

''(c) ACTIONS IF PROGRAM NOT TERMINATED.—(1) If the Secretary elects not to terminate a major defense acquisition program pursuant to subsection (b), the Secretary shall—

''(A) restructure the program in a manner that addresses the root cause or causes of the critical cost growth, as identified pursuant to subsection (a), and ensures that the program has an appropriate management structure as set forth in the certification submitted pursuant to subsection (b)(2)(E);

''(B) rescind the most recent Milestone approval, or Key Decision Point approval in the case of a space program, for the program and withdraw any associated certification under section 2366a or 2366b of this title;

''(C) require a new Milestone approval, or Key Decision Point approval in the case of a space program, for the program before taking any contract action to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the program, except to the extent determined necessary by the Milestone Decision Authority, on a non-delegable basis, to ensure that the program can be restructured as intended by the Secretary without unnecessarily wasting resources;

''(D) include in the report specified in paragraph (2) a description of all funding changes made as a result of the growth in cost of the program, including reductions made in funding for other programs to accommodate such cost growth; and

''(E) conduct regular reviews of the program in accordance with the requirements of section 205 of the Weapon Systems Acquisition Reform Act of 2009.

''(2) For purposes of paragraph (1)(D), the report specified in this paragraph is the first Selected Acquisition Report for the program submitted pursuant to section 2432 of this title after the President submits a budget pursuant to section 1105 of title 31, in the calendar year following the year in which the program was restructured.

''(d) ACTIONS IF PROGRAM TERMINATED.—If a major defense acquisition program is terminated pursuant to subsection (b), the Secretary shall submit to Congress a written report setting forth—

''(1) an explanation of the reasons for terminating the program;

''(2) the alternatives considered to address any problems in the program; and

''(3) the course the Department plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2433 the following new item:

''2433a. Critical cost growth in major defense acquisition programs.''.

(3) CONFORMING AMENDMENT.—Paragraph (2) of section 2433(e) of such title 10 is amended to read as follows:

''(2) If the program acquisition unit cost or procurement unit cost of a major defense acquisition program or designated major subprogram (as determined by the Secretary under subsection (d)) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Secretary of Defense shall take actions consistent with the requirements of section 2433a of this title.''.

(b) TREATMENT AS MDAP.—Section 2430 of such title is amended—

(1) in subsection (a)(2), by inserting '', including all planned increments or spirals,'' after ''an eventual total expenditure for procurement''; and

(2) by adding at the end the following new subsection:

''(c) For purposes of subsection (a)(2), the Secretary shall consider, as applicable, the following:

''(1) The estimated level of resources required to fulfill the relevant joint military requirement, as determined by the Joint Requirements Oversight Council pursuant to section 181 of this title.

''(2) The cost estimate referred to in section 2366a(a)(4) of this title.

''(3) The cost estimate referred to in section 2366b(a)(1)(C) of this title.

''(4) The cost estimate within a baseline description as required by section 2435 of this title.''.

SEC. 207. ORGANIZATIONAL CONFLICTS OF INTEREST IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REVISED REGULATIONS REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to provide uniform guidance and tighten existing requirements for organizational conflicts of interest by contractors in major defense acquisition programs.

(b) ELEMENTS.—The revised regulations required by subsection (a) shall, at a minimum—

(1) address organizational conflicts of interest that could arise as a result of—

(A) lead system integrator contracts on major defense acquisition programs and contracts that follow lead system integrator contracts on such programs, particularly contracts for production;

(B) the ownership of business units performing systems engineering and technical assistance functions, professional services, or management support services in relation to major defense acquisition programs by contractors who simultaneously own business units competing to perform as either the prime contractor or the supplier of a major subsystem or component for such programs;

(C) the award of major subsystem contracts by a prime contractor for a major defense acquisition program to business units or other affiliates of the same parent corporate entity, and particularly the award of subcontracts for software integration or the development of a proprietary software system architecture; or

(D) the performance by, or assistance of, contractors in technical evaluations on major defense acquisition programs;

(2) ensure that the Department of Defense receives advice on systems architecture and systems engineering matters with respect to major defense acquisition programs from federally funded research and development centers or other sources independent of the prime contractor;

(3) require that a contract for the performance of systems engineering and technical assistance functions for a major defense acquisition program contains a provision prohibiting the contractor or any affiliate of the contractor from participating as a prime contractor or a major subcontractor in the development or construction of a weapon system under the program; and

(4) establish such limited exceptions to the requirement in paragraphs (2) and (3) as may be necessary to ensure that the Department of Defense has continued access to advice on systems architecture and systems engineering matters from highly-qualified contractors with domain experience and expertise, while ensuring that such advice comes from sources that are objective and unbiased.

(c) CONSULTATION IN REVISION OF REGULATIONS.—

(1) RECOMMENDATIONS OF PANEL ON CONTRACTING INTEGRITY.—Not later than 90 days after the date of the enactment of this Act, the Panel on Contracting Integrity established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2320) shall present recommendations to the Secretary of Defense on measures to eliminate or mitigate organizational conflicts of interest in major defense acquisition programs.

(2) CONSIDERATION OF RECOMMENDATIONS.—In developing the revised regulations required by subsection (a), the Secretary shall consider the following:

(A) The recommendations presented by the Panel on Contracting Integrity pursuant to paragraph (1).

(B) Any findings and recommendations of the Administrator for Federal Procurement Policy and the Director of the Office of Government Ethics pursuant to section 841(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4539).

(d) EXTENSION OF PANEL ON CONTRACTING INTEGRITY.—Subsection (e) of section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended to read as follows:

''(e) TERMINATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the panel shall continue to serve until the date that is 18 months after the date on which the Secretary of Defense notifies the congressional defense committees of an intention to terminate the panel based on a determination that the activities of the panel no longer justify its continuation and that concerns about contracting integrity have been mitigated.

''(2) MINIMUM CONTINUING SERVICE.—The panel shall continue to serve at least until December 31, 2011.''.

TITLE III—ADDITIONAL ACQUISITION PROVISIONS

SEC. 301. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.

(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

SEC. 302. EARNED VALUE MANAGEMENT.

(a) MODIFICATION OF ELEMENTS IN REPORT ON IMPLEMENTATION.—Subsection (a) of section 887 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4562) is amended by striking paragraph (7) and inserting the following new paragraphs:

''(7) A discussion of the methodology used to establish appropriate baselines for earned value management at the award of a contract or commencement of a program, whichever is earlier.

''(8) A discussion of the manner in which the Department ensures that personnel responsible for administering and overseeing earned value management systems have the training and qualifications needed to perform that responsibility.

''(9) A discussion of mechanisms to ensure that contractors establish and use approved earned value management systems, including mechanisms such as the consideration of the quality of contractor earned value management performance in past performance evaluations.

''(10) Recommendations for improving earned value management and its implementation within the Department, including—

''(A) a discussion of the merits of possible alternatives; and

''(B) a plan for implementing any improvements the Secretary determines to be appropriate.''.

(b) MODIFICATION OF REPORT DATE.—Subsection (b) of such section is amended by striking ''270 days after the date of the enactment of this Act'' and inserting ''October 14, 2009''.

SEC. 303. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Section 2501(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.''.

(b) ASSESSMENT OF EFFECT OF TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAMS ON TECHNOLOGY AND INDUSTRIAL CAPABILITIES.—Section 2505(b) of such title is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) consider the effects of the termination of major defense acquisition programs (as the term is defined in section 2430 of this title) in the previous fiscal year on the sectors and capabilities in the assessment.''.

SEC. 304. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON COSTS AND FINANCIAL INFORMATION REGARDING MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REVIEW OF OPERATING AND SUPPORT COSTS OF MAJOR WEAPON SYSTEMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on growth in operating and support costs for major weapon systems.

(2) ELEMENTS.—In preparing the report required by paragraph (1), the Comptroller General shall, at a minimum—

(A) identify the original estimates for operating and support costs for major weapon systems selected by the Comptroller General for purposes of the report;

(B) assess the actual operating and support costs for such major weapon systems;

(C) analyze the rate of growth for operating and support costs for such major weapon systems;

(D) for such major weapon systems that have experienced the highest rate of growth in operating and support costs, assess the factors contributing to such growth;

(E) assess measures taken by the Department of Defense to reduce operating and support costs for major weapon systems; and

(F) make such recommendations as the Comptroller General considers appropriate.

(b) REVIEW OF FINANCIAL INFORMATION RELATING TO MAJOR DEFENSE ACQUISITION PROGRAMS.—

(1) REVIEW.—The Comptroller General of the United States shall perform a review of weaknesses in operations affecting the reliability of financial information on the systems and assets to be acquired under major defense acquisition programs.

(2) ELEMENTS.—The review required under paragraph (1) shall—

(A) identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble reliable financial information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards;

(B) identify any mechanisms developed by the Department of Defense to address weaknesses in operations under major defense acquisition programs identified pursuant to subparagraph (A); and

(C) assess the implementation of the mechanisms set forth pursuant to subparagraph (B), including—

(i) the actions taken, or planned to be taken, to implement such mechanisms;

(ii) the schedule for carrying out such mechanisms; and

(iii) the metrics, if any, instituted to assess progress in carrying out such mechanisms.

(3) CONSULTATION.—In performing the review required by paragraph (1), the Comptroller General shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of Defense.

(B) The Chief Management Officer of the Department of the Army.

(C) The Chief Management Officer of the Department of the Navy.

(D) The Chief Management Officer of the Department of the Air Force.

(4) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the review required by paragraph (1).

And the House agree to the same.

IKE SKELTON,
JOHN M. SPRATT,
SOLOMON P. ORTIZ,
GENE TAYLOR,
NEIL ABERCROMBIE,
SILVESTRE REYES,
VIC SNYDER,
ADAM SMITH,
LORETTA SANCHEZ,
MIKE MCINTYRE,
ELLEN O. TAUSCHER,
ROBERT E. ANDREWS,
SUSAN A. DAVIS,
JAMES R. LANGEVIN,
JIM COOPER,
BRAD ELLSWORTH,
JOE SESTAK,
JOHN M. MCHUGH,
ROSCOE G. BARTLETT,
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MIKE COFFMAN,

Managers on the Part of the House.

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LINDSEY GRAHAM,
JOHN THUNE,
MEL MARTINEZ,
ROGER F. WICKER,
RICHARD BURR,
DAVID VITTER,
SUSAN COLLINS,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 454), to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—ACQUISITION ORGANIZATION

Cost assessment and program evaluation (sec. 101)

The Senate bill contained a provision (sec. 104) that would establish a Director of Independent Cost Assessment in the Department of Defense (DOD) to ensure that cost estimates for major defense acquisition programs and major automated information system programs are fair, reliable, and unbiased.

The House amendment contained a provision (sec. 102) that would require the Secretary of Defense to designate an official within the Office of the Secretary of Defense to perform this function.

The House recedes with an amendment that would establish a Director of Cost Assessment and Performance Evaluation, who would be responsible for ensuring that cost estimates are fair, reliable, and unbiased, and for performing program analysis and evaluation functions currently performed by the Director of Program Analysis and Evaluation. The provision would also codify the cost estimating requirements from the Senate bill and the House amendment in a new section 2334 of title 10, United States Code.

Directors of Developmental Test and Evaluation and Systems Engineering (sec. 102)

The Senate bill contained a provision (sec. 101) that would require certain reports on systems engineering capabilities of the Department of Defense. The Senate bill also contained a provision (sec. 102) that would establish the position of Director of Developmental Test and Evaluation.

The House amendment contained provisions (sec. 101 and 103) that would require the Secretary of Defense to appoint senior officials to carry out acquisition oversight functions, including systems engineering and developmental testing.

The Senate recedes with an amendment that would establish the positions of Director of Developmental Test and Evaluation and Director of Systems Engineering and establish requirements on the issuance of guidance and reports on systems engineering and developmental testing. The amendment would further require the service acquisition executive of each military department and defense agency to implement and report on plans to ensure that the military departments and defense agencies have appropriate developmental test, systems engineering, and development planning resources.

The Defense Science Board Task Force on Developmental Test and Evaluation reported in May 2008 that the Army has essentially eliminated its developmental testing component, while the Navy and the Air Force have cut their testing workforce by up to 60 percent in some organizations. As a result, ''(a)

significant amount of developmental testing is currently performed without a needed degree of government involvement or oversight and in some cases, with limited government access to contractor data.''

Similarly, the Committee on Pre-Milestone A and Early-Phase Systems Engineering of Air Force Studies Board of the National Research Council reported that ''in recent years the depth of systems engineering (SE) talent in the Air Force has declined owing to policies within the Department of Defense (DOD) that shifted the oversight of SE functions increasingly to outside contractors, as well as to the decline of in-house development planning capabilities in the Air Force. . . . The result is that there are no longer enough experienced systems engineers to fill the positions in programs that need them, particularly within the government.''

The conferees expect the Director of Developmental Test and Evaluation and the Director of Systems Engineering to work with the military departments and defense agencies to ensure that they rebuild these capabilities and perform the developmental testing and systems engineering functions necessary to ensure the successful execution of major defense acquisition programs. In particular, the conferees expect the military departments to conduct developmental testing early in the execution of a major defense acquisition program, to validate that a system's design is demonstrating appropriate progress toward technological maturity and toward meeting system performance requirements.

Performance assessments and root cause analyses for major defense acquisition programs (sec. 103)

The House amendment contained a provision (sec. 104) that would require the Secretary of Defense to designate a senior official in the Office of the Secretary of Defense as the principal Department of Defense official responsible for issuing policies, procedures, and guidance governing the conduct of performance assessments for major defense acquisition programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to designate a senior official responsible for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.

Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering (sec. 104)

The Senate bill contained a provision (sec. 103) that would require the Director of Defense Research and Engineering, in consultation with the Director of Developmental Test and Evaluation, to periodically review and assess the technological maturity and integration risk of critical technologies on major defense acquisition programs.

The House amendment contained a similar provision (sec. 105).

The Senate recedes with an amendment that would combine the two provisions. The conferees note that the technological maturity standard for major defense acquisition programs at the time of Milestone B approval (or Key Decision Point B approval in the case of space programs) is established by statute in section 2366b of title 10, United States Code. The conferees expect the Director of Defense Research and Engineering to establish appropriate knowledge-based standards for technological maturity at other key points in the acquisition process, as well as appropriate standards for integration risk.

Role of the commanders of the combatant commands in identifying joint military requirements (sec. 105)

The Senate bill contained a provision (sec. 105) that would clarify the role of the commanders of the combatant commands in identifying joint military requirements.

The House amendment contained a similar provision (sec. 106).

The Senate recedes with an amendment to ensure that the Comptroller General review required by the provision would address the full range of issues raised by recent legislative changes to the process for the identification of joint military requirements.

LEGISLATIVE PROVISION NOT ADOPTED

Clarification of submittal of certification of adequacy of budgets by the Director of the Department of Defense Test Resource Management Center

The Senate bill contained a provision (sec. 106) that would clarify the impact of organizational changes made in the Senate bill on the requirement for the Director of the Department of Defense Test Resource Management Center to certify the adequacy of budgets to the Secretary of Defense.

The House amendment contained no similar provision.

The Senate recedes. The provision is unnecessary, because the organizational changes to the Defense Test Resource Management Center that required the clarification are not included in the conference report.

TITLE II—ACQUISITION POLICY

Consideration of trade-offs among cost, schedule, and performance objectives in Department of Defense acquisition programs (sec. 201)

The Senate bill contained a provision (sec. 201) that would require the Department of Defense to implement mechanisms to ensure that trade-offs among cost, schedule, and performance objectives are considered early in the process of developing requirements for major weapon systems.

The House amendment contained a provision (sec. 207) that would require the Comptroller General to review and report to Congress on mechanisms used by the Department to make such trade-offs.

The House recedes with an amendment clarifying the required mechanisms. The conference amendment includes a requirement for the Secretary of Defense to review proposed joint military requirements to ensure that the Joint Requirements Oversight Council has given appropriate consideration to trade-offs between cost, schedule, and performance objectives. The Secretary would have flexibility to determine how best to conduct the required review.

Acquisition strategies to ensure competition throughout the lifecycle of major defense acquisition programs (sec. 202)

The Senate bill contained a provision (sec. 203) that would require the Secretary of Defense to ensure that the acquisition strategy for each major defense acquisition program includes measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level. The Senate provision would also establish certain requirements for the use of prototypes on major defense acquisition programs.

The House amendment contained a similar provision (sec. 201), but did not include requirements for the use of prototypes.

The House recedes with an amendment combining elements from the Senate bill and the House amendment. The Senate language on prototypes is addressed in a separate section.

Prototyping requirements for major defense acquisition programs (sec. 203)

The Senate bill contained a provision (sec. 203(c) and (d)) that would establish prototyping requirements for major defense acquisition programs.

The House amendment contained no similar provision.

The House recedes with an amendment that would simplify the requirement.

Actions to identify and address systemic problems in major defense acquisition programs prior to Milestone B approval (sec. 204)

The House amendment contained a provision (sec. 203) that would enhance requirements for the Department of Defense to identify and address systemic problems in major defense acquisition programs before Milestone B approval, while such programs are still in the technology development phase.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment. The conferees agree that greater investment of time and resources in the technology development phase is likely to result in better overall program performance and lower overall program costs. For this reason, increased time or expenditures for early testing and development should not alone be taken as an indication that a program is troubled and needs to be terminated or restructured.

Additional requirements for certain major defense acquisition programs (sec. 205)

The Senate bill contained a provision (sec. 202) that would establish certain requirements relating to preliminary design review and critical design review for major defense acquisition programs.

The House amendment contained a provision (sec. 202) that would establish new procedures for programs that fail to meet all of the requirements for Milestone B certification under section 2366b of title 10, United States Code, and would establish requirements relating to preliminary design review for major defense acquisition programs.

The Senate recedes with a clarifying amendment. The conference amendment does not include the Senate provision regarding critical design review, because this requirement is already addressed in Department of Defense Instruction 5000.02 (December 2008 revision). The conferees view this requirement as a key step in a knowledge-based approach to acquisition, and expect to revisit this issue if the current requirement for critical design review is discontinued or is not enforced.

Critical cost growth in major defense acquisition programs (sec. 206)

The Senate bill contained a provision (sec. 204) that would strengthen the so-called ''Nunn-McCurdy'' requirements in section 2433(e)(2) of title 10, United States Code, for major defense acquisition programs that experience excessive cost growth.

The House amendment contained a similar provision (sec. 204).

The House recedes with an amendment combining elements from the Senate bill and the House amendment. The conference amendment would also recodify these requirements in a new section 2433a of title 10, United States Code.

Organizational conflicts of interest in major defense acquisition programs (sec. 207)

The Senate bill contained a provision (sec. 205) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to issue regulations addressing organizational conflicts of interest by contractors in the acquisition of major weapon systems.

The House amendment contained a similar provision (sec. 205).

The House recedes with an amendment combining elements from the Senate bill and the House amendment. Existing Department

of Defense regulations leave it up to individual elements of the Department to determine on a case-by-case basis whether or not organizational conflicts of interest can be mitigated, and if so, what mitigation measures are required. The conferees agree that additional guidance is required to tighten existing requirements, provide consistency throughout the Department, and ensure that advice provided by contractors is objective and unbiased. In developing the regulations required by this section for cases in which mitigation is determined to be appropriate, the conferees expect the Secretary to give consideration to strengthened measures of organizational separation of the type included in the Senate bill.

TITLE III—ADDITIONAL ACQUISITION PROVISIONS

Awards for Department of Defense personnel for excellence in the acquisition of products and services (sec. 301)

The Senate bill contained a provision (sec. 206) that would direct the Secretary of Defense to establish a program to recognize excellent performance by individuals and teams in the acquisition of products and services for the Department of Defense.

The House amendment contained an identical provision (sec. 206). The conference report includes this provision.

Earned value management (sec. 302)

The Senate bill contained a provision (sec. 207) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to review and improve guidance governing the implementation of Earned Value Management (EVM) systems for Department of Defense (DOD) contracts.

The House amendment contained no similar provision.

The House recedes with an amendment that would incorporate the requirements of the Senate provision into section 887 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), which requires the Secretary of Defense to identify and address shortcomings in EVM systems for DOD contracts.

Expansion of national security objectives of the national technology and industrial base (sec. 303)

The Senate bill contained a provision (sec. 208) that would amend section 2501 of title 10, United States Code, to address critical design skills in the national technology and industrial base and require reports on the termination of major defense acquisition programs.

The House amendment contained no similar provision.

The House recedes with an amendment requiring that defense capability assessments performed pursuant to section 2505 of title 10, United States Code, consider the effects of the termination of major defense acquisition programs. The outcome of this assessment would be incorporated into the annual reports required by section 2504 of title 10, United States Code.

Comptroller General of the United States reports on costs and financial information regarding major defense acquisition programs (sec. 304)

The Senate bill contained two provisions (sec. 104(b) and sec. 209) that would require reports by the Government Accountability Office on: (1) operating and support costs of major weapon systems; and (2) financial information relating to major defense acquisition programs.

The House amendment contained no similar provision.

The House recedes with an amendment incorporating the two reporting requirements into a single provision.

COMPLIANCE WITH SENATE AND HOUSE RULES

Compliance with rules of the Senate and the House of Representatives regarding earmarks and congressionally directed spending items

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives and Rule XLIV(3) of the Standing Rules of the Senate, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits, as defined in such rules.

IKE SKELTON,
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Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain up to 15 requests for 1-minute speeches on each side of the aisle.

NATIONAL SMALL BUSINESS WEEK

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Today, I rise to recognize May 17 through May 23 as National Small Business Week. Small businesses are a critical part of our economy. In fact, over 60 percent of all jobs are created by small businesses in our Nation. And, in addition, as a result of the current crisis, we have seen an increasing number of people wanting to start their own businesses or beginning to create their own business.

For example, a recent poll showed that 37 percent of Americans are either running their own business or they're about to create their own business. I believe that innovation and growth in the small business sector is one of the key parts of what they contribute to our economic recovery. To help encourage that recovery, I'm committed to making sure that the Federal Government offers assistance and support to small businesses throughout our Nation.

I'm pleased that today the House will consider H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009. It will provide critical training services to entrepreneurs across our Nation.

THE ENERGY TAX WILL HURT REAL PEOPLE

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. As this Congress debates cap-and-trade, we need to remember that coal is our Nation's most abundant resource, providing 50 percent of this Nation's electricity and 98 percent of the electricity generated in my State.

We all want a cleaner environment, but this cap-and-trade bill is not the answer. The majority's bill is a $646 billion national energy tax that will hit States like West Virginia the hardest.

It will essentially make the coal-reliant heartland unfairly subsidize our friends on the west coast and in the Northeast. An average energy bill for an average family will go up by at least $1,500, and those hardest hit will be those that can least afford it.

People in the lower-income bracket will be spending more and more of their income on energy than any other income brackets. By 2020, folks in the lower-income brackets in West Virginia could be spending between 24 percent and 27 percent of their entire income on energy. Manufacturing will also be hit with major cost increases making electricity far more expensive.

As we continue to debate this issue, Congress needs to remember that cap-and-trade has a real cost on real people.

CREDIT CARDHOLDERS' BILL OF RIGHTS

(Mr. MITCHELL asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL. Mr. Speaker, I rise today in support of H.R. 627, the Credit Cardholders' Bill of Rights. The Senate approved this yesterday by an overwhelmingly bipartisan vote. I urge my colleagues to give final approval to this bill today and send it to the President for signature.

Consumers shouldn't have to subject themselves to hidden costs and ''gotcha'' games in order to have access to credit cards. Today's legislation will put an end to some of the most offensive practices. The bill will stop retroactive rate hikes on existing balances. It will also require lenders to credit payments made on the day that they were due as on time.

You wouldn't think that you would have to pass a law to say that payments made on the day that they are due should be credited as on time. But, sadly, that is how bad things have gotten.

The fine print in today's credit card agreements has gotten so complicated and so full of traps, you almost need a lawyer to find all the fees.

This bill won't stop everything, but it is an important step forward. I therefore urge final passage today of the Credit Cardholders' Bill of Rights.

CAP-AND-TRADE BILL

(Mr. POSEY asked and was given permission to address the House for 1 minute.)

Mr. POSEY. Soon we will be asked to vote on a cap-and-trade bill. Here's what I know about it. In the President's budget, it showed new revenue of $646 billion from cap-and-trade. The cap-and-trade plan has been estimated to cost American families as much as $3,000 each per year. The price of everything will go up, from electric bills to gasoline—even food. The availability of jobs will go down, as energy costs force more jobs overseas. And, it won't reduce emissions one iota. It didn't in Europe, and it won't here.

It is simply a moneymaker. Another method of fleecing taxpayers. No less energy will be used. Everyone will just pay more for the energy they do use. It's like paying someone else to go on a diet for you.

I'm convinced when the citizens of this great country find out what has been done to them by cap-and-trade, they will be outraged. No one can say that Congress was never told.

INVITATION TO GEORGE WILL

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. George Will's recent rant attacking Secretary of the Transportation Ray LaHood and my hometown, Portland Oregon, tells more about him than Secretary LaHood.

As Will glides into his seventies, he has lost track of more than just the facts, although it's staggering that he was off by a factor of 400 times about where biking already is in America, and 8000 times where Portland is with the ratio of cycling.

But this is not about bikes and street cars, or even livability. A younger, principled George Will would have understood why young people, even without jobs, are moving to Portland. It's a rich community with more choices at lower costs. It's about choices that enhance the quality of life.

I invite Mr. Will to bring his bow tie to Portland and debate me on the ground. See why a younger George Will, who may have been put off by all the Democrats and moderate Republicans, could still have admired the freedom that a high quality of life provides.

THE HEALTH BENEFITS TAX

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, some taxacrats in D.C. are thinking about taxing health care benefits on people who try to take care of themselves. They want to figure out how to get benefits to people who don't have them. Their solution: Make people who have benefits pay income tax on the value of their health plan.

That tax money would come directly out of their pocket. But it will make health care insurance too expensive for a lot of folks, so they will cancel their insurance and then let the government take care of them on this new nationalized health care plan.

When you wish to solve a problem, it's probably a better idea to come up with something that doesn't make the problem worse. It reminds me of the statement, ''If you think the problems government creates are bad, just wait until you see government solutions.''

The notion to tax health care benefits punishes people who have planned their lives and their careers with the philosophy that they will be responsible for their own health care and not live off the government.

However, to fund the new French health care system, the administration is proposing to tax people who take care of themselves, so there is money for people who can't or won't take care of themselves. There's something wrong with this picture.

And that's just the way it is.

CREDIT CARDHOLDERS' BILL OF RIGHTS

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, now is the time to stand up for American consumers. Too many families and hard-working Americans are struggling through this difficult economic recession. Credit card companies that charge unwarranted and unanticipated fees have been hitting Americans hard during our economic hardship. Despite massive government intervention to encourage lending, many credit card companies are still cutting back on credit, imposing new fees and raising rates—even for those who pay on time and never go over the limit. This is unacceptable.

In passing the Credit Cardholders' Bill of Rights, we will even the playing field by providing critical protections against these unfair, yet all too common, credit card practices. This bill will also provide tough new regulations on credit and companies in order to protect consumers from excessive fees, enormous interest rates, and unfair agreements.

Ending abusive credit card practices that continue to drive America deeper and deeper into debt is a critical element in our economic recovery.

RELEASE OF UYGHUR DETAINEES

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, this morning, the Financial Times reported that Attorney General Eric Holder's Guantanamo Bay task force has recommended that the President release at least two Uyghur detainees into the U.S.

This planned release comes in spite of ardent objection from the FBI and the Department of Homeland Security, who were overruled by Eric Holder and the White House.

These Uyghur detainees are members of the U.S. and the U.N.-listed terrorist group, the Eastern Turkistan Islamic Movement, whose leader, Abdul Haq, was listed as a terrorist by Obama's Treasury Department.

For Eric Holder to do this against the better judgment of the FBI and the Department of Homeland Security, and despite Senate Democratic Majority Leader HARRY REID's statement yesterday that this Congress won't tolerate their release, is unacceptable.

It flies in the face of the bipartisan congressional opposition to the release of trained terrorists into the United States, including Republican and Democratic leadership in the House and the Senate. To do so in spite of what is taking place, passing in the House, soon in the Senate, would be unacceptable.

□ 1015

RECONSIDERING TAXPAYER SUPPORT FOR THE AUTO COMPANIES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. The premise of taxpayer support for the auto companies was twofold—preserve our productive capacity and maximize job retention.

Well, the plan has kind of gone off track here. The resolution of Chrysler, losing tens of thousands of jobs through the unnecessary closure of dealerships, and now Chrysler is going to close their most productive, modern engine plant in the world and build one in Mexico? How is that in the taxpayers' interest?

The leadership of the financier from Wall Street, Mr. Rattner, needs to be brought under control here. GM's now on deck. The Obama administration has to reconsider their approach. Don't endorse the closure of thousands of dealerships. Don't support the export of our productive capacity.

It is rumored that GM wants to manufacture their cars in China. Preserving a corporate shell while losing productive manufacturing capacity and tens of thousands of jobs is not in the taxpayer interest and should not receive the endorsement of the Obama administration nor this Congress.

RECOGNIZING WILLIAM COOKSEY

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I rise today to recognize one of the special veterans in my district. William Cooksey is a World War II veteran who just celebrated his 100th birthday.

Later this month we will welcome Mr. Cooksey to Washington as part of an Honor Air Trip, which flies World War II veterans to our Nation's capital free of charge to visit the World War II Memorial and Arlington Cemetery.

Mr. Cooksey began his service to our country as a member of an infantry unit. He then moved to the Air Corps and served as a chaplain's assistant from October 1943 to December 1945. When he left the military, he did so having received four Bronze Stars, a Purple Heart, the World War I Victory Medal and a Good Conduct Medal. At 100 years old, Mr. Cooksey still serves as the senior choir director at his church.

On behalf of this Congress, I thank Mr. Cooksey for his dedicated service. May God continue to bless this special man and all of our veterans who so bravely and selflessly served our country.

INTRODUCTION OF RURAL CAREER AND TECHNICAL EDUCATION EXPANSION ACT

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, last week I introduced the Rural Career and Technical Education Expansion Act, a bill that would provide student loan forgiveness to career and technical teachers at rural high schools.

Just last month I visited Jefferson County Vocational School where several teachers would be able to qualify for loan forgiveness. My hope is that more career and tech teachers will choose to stay in rural areas with the help of my legislation.

More and more students in regions like mine are pursuing a technical education. My legislation would help provide these students with the best and the brightest vocational educators. When the bill becomes law, eligible vocational teachers could receive up to $17,500 in student loan forgiveness.

I urge all my colleagues to support the benefits these teachers deserve.

SMALL BUSINESSES ARE THE HEART AND SOUL OF OUR ECONOMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, small businesses are the heart and soul of the American economy. When small businesses are in trouble, our economy is in trouble. When taxes are raised on small businesses and on American families, you reduce job creation, and you burden an already troubled economy.

So what is next on the Democrat agenda? A massive new national energy tax. This is not a recipe for economic growth. This will hurt small businesses and job creation. It raises the price of doing business. It raises the prices of consumer goods and home utility costs. It puts America and the small businesses that create the majority of our jobs at a disadvantage in the global economy.

As we recognize the 46th annual National Small Business Week, we should be spending our time developing policies that promote growth, not burden it. We should be fighting to give tax relief to the American people and these small businesses that employ them.

In conclusion, God bless our troops, and we will never forget September the 11th and the global war on terrorism.

REGARDING AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, this week the Committee on Energy and Commerce is poised to pass landmark energy and climate legislation. Over two Congresses, our committee has heard from over 300 expert witnesses who have made it clear that we need swift action to rebuild our economy and address climate change.

America is ready, and the world is watching. We must transition to a clean energy economy so that we can create jobs here in America, achieve energy independence, and protect our planet for future generations. We have before us a powerful, thorough and effective bill. It includes a nationwide renewable electricity standard to ensure consumers get more of their electricity from wind, solar and biomass energy. It contains critical investments in energy efficiency, and it requires immediate significant reductions in greenhouse gas emissions that are harming our planet.

We must enact comprehensive climate legislation, and we must enact it now. We can't sit idly by and allow other nations to lead the way to a clean energy future. I think America can and must do better.

I hope others will join me in seizing this opportunity to pass the American Clean Energy and Security Act to transition our country to a clean energy economy, and protect our planet for our children and our grandchildren.

STAND WITH THE PEOPLE OF CUBA AND AGAINST THE CASTRO REGIME

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today is Cuba Solidarity Day, marking the anniversary of Cuba's independence from Spain. It has now become a day when people across the world stand with the people of Cuba who are waiting for their day of freedom from 50 years of brutal communist repression.

Last month President Obama reversed the course of American policy towards Cuba, one of only four state sponsors of terrorism. America is a beacon of hope, and we should resist funding Castro's regime or turning a blind eye to their atrocities against the Cuban people.

Those wanting to increase trade with Cuba should be reminded that all money flows through Cuba's state-owned monopoly, and they don't pay their bills. Cuba has defaulted on more than $30 billion of its obligations.

Easing sanctions on Cuba does not make economic or humanitarian sense. It only lines the pockets of the Castro brothers who want to hold onto their power by suppressing their people.

Today I am introducing a resolution to restore the sanctions on Cuba. The Cuban people deserve our support and continued condemnation of the Castro regime.

I encourage all my colleagues to honor Cuba Solidarity Day and stand with the Cuban people by cosponsoring my resolution.

THE ACCELERATED PACE OF GLOBAL WARMING

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, the Flat Earth Party is, once again, in a state of denial.

Much of the leadership and membership of the Republican Party is denying even the existence of global warming as a tactic to defeat the desperately needed clean green jobs legislation that we are just about to bring to the House floor.

Imagine. Forget the fact that more than 2,500 of the most respected scientists from 130 countries have concluded unequivocally that global warming does exist, that it is a very serious problem, and that it is undoubtedly a result of human activity.

The accelerated pace of global warming threatens hundreds of millions of people who live near the shoreline from flooding or from drought depending on your location on this planet. In fact, in Juneau, Alaska, they're building an 18-hole golf course on land that just a few years ago was submerged underwater. They're losing more than 30 feet a year from the shoreline.

One has to wonder how the party of ''No'' still really feels about the theory that the Earth may revolve around the sun.

INTRODUCTION OF HEARTH ACT

(Mr. HEINRICH asked and was given permission to address the House for 1 minute.)

Mr. HEINRICH. I rise today to introduce the Helping Expedite and Advance Responsible Tribal Homeownership Act, or the HEARTH Act.

Homeownership is a fundamental element to the American dream, yet Native American homeownership rates are half that of the general population, and too often the Federal Government has been the stumbling block.

Purchasing a home is no easy process for any of us; but for many Native American families trying to buy a house on tribal land, they must also get lease approval from the Bureau of Indian Affairs for the land that the house sits on.

This process can take between 6 months and 2 years, resulting in an intolerable delay for finalizing a home sale. This bill would eliminate this requirement and allow tribal governments to approve trust land leases directly, giving more Native American families the chance to own their own home.

I urge your support.

OUR NATION'S VETERANS

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. Mr. Speaker, I rise today to speak on an issue that is dear to my heart—our Nation's veterans. Yesterday I introduced several bills that I believe would improve the quality of life for our veterans and continue to honor our commitment to them.

My district is a highly rural district, and my veterans need access to qualified mental health professionals. I have submitted a bill that will establish a mental telehealth pilot project that will provide access to veterans that live in rural areas. This bill will make it possible for them to at least talk to a qualified specialist about the problems that they face as they re-adapt to home life.

Secondly, a report in the Journal of Military Medicine stated that blasts from IEDs have caused a debilitating condition called tinnitus. I have introduced a bill that calls on the Department of Defense to screen for tinnitus and also calls on the VA to look for new ways of treating and curing tinnitus.

We should never forget that freedom is not free. These men and women laid their lives on the line to protect us, and we should always do all we can to serve them as well as they served us.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 456 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 456

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Financial Services or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The question of adoption of the motion shall be divided for a separate vote on concurring in section 512 of the Senate amendment.

SEC. 2. If either portion of the divided question fails of adoption, then the House shall be considered to have made no disposition of the Senate amendment.

SEC. 3. House Resolution 450 is laid on the table.

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Thank you, Mr. Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Ms. PINGREE of Maine. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 456.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, House Resolution 456 provides for consideration of the Senate amendment to H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009. The rule makes in order a motion by the chairman of the Committee on Financial Services to concur in the Senate amendment. The rule waives all points of order against consideration of the motion except clause 10 of rule XXI and provides that the Senate amendment and the motion shall be considered as read. The rule provides 1 hour of debate on the motion controlled by the Committee on Financial Services. The rule provides that the question of adoption of the motion shall be divided for a separate vote on concurring in section 512 of the Senate amendment.

Mr. Speaker, we have heard a lot about the deceptive practices of credit card companies over the last 2 weeks here in Washington. My friends here in the House of Representatives have highlighted the nearly $1 trillion credit card debt in the United States.

President Obama has stressed the need for ''credit card forms and statements that have plain language in plain sight.'' My colleagues in the Senate have equated the deceptive practices used by credit card companies to loan sharking. Small business groups have drawn attention to the one in three businesses where credit card debt accounts for at least 25 percent of the company's overall debt.

□ 1030

Family and consumer groups have highlighted the more than 91 million United States families who are subject to unfair interest rate hikes and being taken advantage of by hidden penalties and fees. These statistics are certainly shocking, and meaningful legislation is necessary. However, this is not a new issue to the American people. This is a problem that they understand all too well and deal with each and every day.

Credit cards have gone from being a luxury to being a convenience to being a necessity. Whether it is paying for your gas at the pump or placing an order online, our modern economy almost requires you to have a credit card. Unfortunately, the tough economic times we are in mean that more and more Americans are turning to credit cards to pay for basic necessities or to make ends meet when something unexpected comes along.

Last weekend in Maine, I was talking with one of my constituents who told me something I hear frequently, that a credit card is the only way she can pay her medical bills. And last winter, with skyrocketing heating oil prices, a credit card was the only way many people in my State were able to stay warm.

But while credit cards have gone from luxury to necessity, credit card

companies have undergone a transition too. There was a time when a credit card agreement was reasonably straightforward and fair. It was an agreement to provide a basic service for a reasonable fee. But all that has changed. Credit card agreements are a tangle of fine print with complicated provisions that almost seem designed to keep the cardholder in debt forever. Everywhere you turn, it seems the credit card companies have dreamed up a new fee or another clever scheme to raise your interest rate. Basic fairness has been replaced by deception and greed.

These days using a credit card is like going to a Las Vegas casino. No matter how clever or responsible you are, nine times out of ten, you are going to lose, and the company is going to win. Managing your finances shouldn't be a gamble. The deck shouldn't be stacked against you.

Americans have a lot to worry about these days: a weak economy, a broken health care system and rising energy prices. And that is on top of all the responsibilities we face on a daily basis like raising a family and going to work. The last thing people need to worry about is whether or not their credit card company is going to suddenly double their interest rate or surprise them with an unexpected fee they can't afford.

Mr. Speaker, this bill will bring back basic fairness to the credit card industry and level the playing field for Americans to take responsibility for their finances. Credit card companies have been getting away with too much for too long.

I urge my colleagues to join me today in passing this important bill and sending it directly to the President.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentlewoman for yielding the appropriate time.

Mr. Speaker, I rise today in opposition to this rule and to the underlying legislation. This closed rule does not call for the open and honest debate that has been promised time and time again by my Democrat colleagues. Today's action by my friends on the other side of the aisle is yet another example of the Federal Government overstepping its boundaries into the private marketplace.

Mr. Speaker, today I will inform you of the parliamentary games that my Democratic colleagues are playing on this bill with a gun provision adopted by the Senate. We will discuss why Congress is pushing a bill that already exists in Federal statute, which not only limits credit and raises interest rates to responsible borrowers today. Small business will feel the impact also; and, finally, to review Congress' need to regulate every sector of the economy while they refuse to manage their own gross spending habits of the taxpayer dollar.

The Senate managed to add a provision in this legislation that would allow visitors of national parks and refuges to legally carry licensed firearms by a large bipartisan majority of 67–29. While this does not add power to the overregulated credit bill, it does provide an important legislative victory for Second Amendment rights. Yet my Democratic colleagues have separated the vote on this bill in two separate sections, one vote on the gun provision and one vote on the credit card bill.

Mr. Speaker, I would like to know why is this? Why is this that we take a piece of legislation from the Senate and because it is not liked by the Democratic leadership here, we separate that bill? Have my friends on the other side of the aisle split this vote to increase government regulation while voting against constitutional rights?

Not even 6 months ago, the Federal Reserve passed new credit card rules that would protect consumers and provide for more transparency and accountability in our credit market. These new regulations are set to take effect in July of 2010, an agreed-upon date to ensure the necessary time for banks and credit card companies to make the crucial adjustments to their business practices without adversely hurting consumers. With the growing Federal deficit, the current economic crisis and the growing number of unemployed, why is Congress now passing legislation that already exists in Federal statute?

This legislation allows for the Federal Government to micromanage the way the credit card and the banking industry does its business. If enacted into law, it is not credit card companies that will suffer. It will be everyone that has a credit card and, I might add, those who would like to have a credit card in the future. Every American will see an increase in their interest rates. And some of the current benefits that encourage responsible lending will most likely disappear, for example, cash advances and over-the-limit protection.

My friends on the other side of the aisle not only remove any incentive for using credit cards responsibly, but they punish those who manage their credit responsibly to subsidize the irresponsible.

Mr. Speaker, the Democrats also want to limit the amount of credit available to middle and low-income individuals, the very Americans who need to take most advantage of credit. A Politico article written last Friday discusses that the changes in this bill ''will dramatically raise the costs of extending loans to cardholders and cause the riskiest cardholders to be dropped altogether.'' It goes on to mention how bad this bill is in regard to the current economic downturn and how restricted access to credit cards will make it increasingly harder to purchase the essential family staples while dealing with job layoffs and temporary unemployment.

Additionally, the strain of this legislation could have a direct and adverse impact on small business. Small businesses are critical to this economy in making sure that we have economic and job growth in this country. For individuals starting a small business, this legislation will increase their interest rates, reduce benefits and shrink the availability of credit, potentially limiting their options even to succeed in the marketplace.

Meredith Whitney, a prominent banking analyst, predicts, in a Wall Street Journal article from March, a $2.7 trillion decrease in credit will be available by the year 2010 out of the current $5 trillion credit line available in this country. That means it will almost be cut well in half. Mr. Speaker, with the current state of the economy, we urgently need to increase liquidity and lower the cost of credit to stimulate even more lending, not raise rates and reduce the availability of credit. This is not a solution for the ailing economy.

This type of government control of private markets is all about what our Democratic colleagues and this administration have been exploring. Whether it is federalizng our banks, credit markets, health care or energy, the list goes on and on. That said, this administration has taken their power grab a step further. Now they are considering a take-over of the financial industry. Converting preferred shares into common equity signals a dramatic shift towards a government strategy of long-term ownership and involvement in some of the Nation's largest banks.

Millions of Americans are rightfully outraged at the mismanagement of TARP and the reckless use of their tax dollars. And I believe that taxpayers are increasingly uneasy with the Federal Government's growing involvement in the financial markets. Bloomberg.com had an article yesterday which highlighted that three of our large banks have applied to repay $45 billion in TARP funds. That means they had to tell the government we would like to pay back the money, is that okay, largely due to these burdensome regulations that the Treasury Department continues to place on them. But just last week, Secretary Geithner announced that he is considering reusing bailout repayments for smaller banks. This is completely unacceptable, and why I have repeatedly called for a solid exit plan for American taxpayers to be repaid by these TARP dollars. TARP dollars were never set up to be used as a revolving fund for struggling banks.

To preempt de facto nationalization of our financial system, on February 3, 2009, the House Republican leadership, including myself, sent a letter to Secretary Geithner regarding what was called the ''range of options'' this administration was considering in managing the $700 billion of taxpayer moneys.

Mr. Speaker, I will insert into the RECORD a letter that was sent to Secretary Geithner at that time.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 3, 2009.

Hon. TIMOTHY F. GEITHNER,
Secretary, U.S. Department of the Treasury, Washington, DC.

DEAR SECRETARY GEITHNER: Recent reports indicate that the Administration is considering a ''range of options'' for spending the second tranche of the Troubled Asset Relief Program (TARP) released last week and that the Administration is considering whether to ask the Congress for new and additional TARP funds beyond the $700 billion already provided. We are writing to raise serious questions about the efficacy of the options being considered and to ask whether the Administration is developing a strategy to exit the bailout business.

Because the Administration has committed itself to assisting the auto industry, satisfying commitments made by the previous Administration, and devoting up to $100 billion to mitigate mortgage foreclosures, it has been reported that President Obama might need more than the $700 billion authorized by the Emergency Economic Stabilization Act (''EESA'') to fund a ''bad bank'' to absorb hard-to-value toxic assets. In light of these commitments—which come at a time when the Federal Reserve is flooding the financial system with trillions of dollars and the Congress is finalizing a fiscal stimulus that is expected to cost taxpayers more than $1.1 trillion—it is not surprising that the American people are asking where it all ends, and whether anyone in Washington is looking out for their wallets.

Indeed, a bipartisan majority of the House—171 Republicans and 99 Democrats—recently expressed the same concerns, voting to disapprove releasing the final $350 billion from the TARP. As we noted in our December 2, 2008 letter to then-Secretary Paulson and Chairman Bernanke, we realize that changing conditions require agility in developing responses. However. the seemingly ad hoc implementation of TARP has led many to wonder if uncertainty is being added to markets at precisely the time when they are desperately seeking a sense of direction. It has also intensified widespread skepticism about TARP among taxpayers, and prompted misgivings even among some who originally greeted the demands for the program's creation with an open mind. Accordingly, we request answers to the following questions:

1. How does the Administration plan to maximize taxpayer value and guarantee the most effective distribution of the remaining $350 billion of TARP funds?

2. How is the Administration lending, assessing risk, selecting institutions for assessing, and determining expectations for repayment?

3. Will the Administration opt for a complex ''bad bank'' rescue plan? How can the ''bad bank'' efficiently price assets and minimize taxpayer risk? Will financial institutions be required to give substantial ownership stakes to the Federal government to participate in the program?

4. Is a ''bad bank'' plan an intermediate step that leads to nationalizing America's banks?

5. Can you elaborate on your plans for the use of an insurance program for toxic assets? Specifically, will you seek to price insurance programs to ensure that taxpayer interests are protected? If so, how will you do so?

6. What is the exit strategy for the government's sweeping involvement in the financial markets?

Thank you for your consideration of these important questions.

Sincerely,

John Boehner; Mike Pence; Cathy McMorris Rodgers; Roy Blunt; Eric Cantor; Thaddeus McCotter; Pete Sessions; David Dreier; Kevin McCarthy; Spencer Bachus.

This letter outlined a host of questions that deal with ensuring that the taxpayers would be paid back and also having an exit strategy for the government's sweeping involvement in the financial markets. Today is May 20, and over 3 months later, there has been no response by Secretary Geithner to the Republican leadership letter.

A couple of weeks ago, the Special Inspector General for the Troubled Asset Relief Program, TARP, published a report that reveals at least 20 criminal cases of fraud in the bailout program and determined that new action by President Obama's administration are ''greatly increasing taxpayer exposure to losses with no corresponding increase in potential profits.'' This is why you see the Republican leadership asking questions. This administration has not responded to our letter.

This administration is not above oversight and accountability. The American people deserve answers for their use of tax dollars and an exit strategy from taxpayer-funded bailouts, including how their investment in TARP will be returned. That is why I sent another letter to Secretary Geithner on April 23 of this year expressing grave concern to the recent reports of the Treasury moving taxpayer dollars into riskier investments in banks' capital structures.

Mr. Speaker, I will insert into the CONGRESSIONAL RECORD a copy of this letter dated April 23 to Secretary Geithner.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 2009.

Hon. TIMOTHY GEITHNER,
Secretary, Department of the Treasury, Washington, DC.

DEAR SECRETARY GEITHNER: I am greatly concerned by recent news reports that the Administration is considering converting the government's preferred stock in some of our nation's largest banks—investments acquired through the TARP program—into common equity shares in these publicly-held companies.

As you are aware, these investments were originally made to their recipients at fixed rates for a fixed period of time—signaling that their intent was to provide these banks with short-term capital for the purpose of improving our financial system's overall position during a time of crisis. Converting these shares into common equity, however, signals a drastic shift away from the Administration's original purpose for these investments to a new strategy of long-term ownership of and involvement in these companies.

I am concerned that converting these preferred shares into common equity would have two serious and negative effects. First, it would bring the banks whose shares are converted closer to de facto nationalization by creating the potential for the government to play an increasingly activist role in their day-to-day operations and management.

Second, I am concerned that moving these investments further down the bank's capital structure into a riskier position puts American taxpayer dollars at increased risk of being lost in the event of a recipient's insolvency.

To date, no Administration official has provided the House Republican Leadership wish any comprehensive answers to the serious questions raised in our February 2, 2009 letter to you about the Administration's exit strategy for the government's growing involvement in the financial markets.

In absence of the Administration's response to that letter, I would appreciate your prompt assurance that converting these preferred shares to common equity—thereby taking these companies closer to nationalization and putting taxpayers' money at increased risk—is not a part of the Administration's yet-to-be-articulated strategy on getting out of the bailout business.

Thank you in advance for your prompt attention to this issue of critical importance to me, the residents of Texas' 32nd District and the entire taxpaying American public. If you have any questions regarding this letter, please feel free to have your staff contact my Chief of Staff Josh Saltzman.

Sincerely,

PETE SESSIONS,
Member of Congress.

As this Democrat Congress continues to tax, borrow, and spend American's hard-earned tax dollars, we move even closer to nationalizing our banks and credit systems, which will only deepen our current economic struggle. The Federal Government's interference in hindering our progress is apparent, while they should be there to help solidify making our system stronger and better. When Congress or the administration changes the rules, it should be in the best interest of the American public. But I can honestly say that this is not the case today.

Mr. Speaker, it is appropriate to consider new ways to protect consumer credit and consumers from unfair and deceptive practices and to ensure that Americans receive useful and complete disclosures about terms and conditions. But in doing so, we should make sure that we do nothing to make credit cards more expensive for those who need this credit or to cut off or hinder access to credit for small business with those less-than-perfect histories.

While reading the Wall Street Journal a few weeks ago, I came across an op-ed called ''Political Credit Cards'' discussing this very issue. It states: ''Our politicians spend half their time berating banks for offering too much credit on too easy terms, and the other half berating banks for handing out too little credit at a high price. The backers should tell the President that they'll start doing more lending when Washington stops changing the rules.'' This speaks to exactly what happened with TARP, health care, welfare, taxes, and lots of other legislation, including that underlying legislation today.

Mr. Speaker, the American people deserve better from their elected officials. I encourage my colleagues to vote against this rule.

And I reserve the balance of my time.

□ 1045

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentlelady.

As I'm certain is true of all of my colleagues, my office has been inundated with calls and letters from constituents who are outraged by sudden and arbitrary increases in their credit card rates. Their hard-earned taxpayer dollars were used to shore up financial institutions to prevent economic collapse and, in return, some of the very same financial institutions turned around and doubled the interest rates they charge their customers. I'm pleased we're taking strong action today to combat these abuses—yes, abuses—and I urge my colleagues to support it.

However, I have serious concern about the amendment that would allow loaded firearms in our national parks. There is no reason for this provision in the bill. It is not germane. It is not relevant. It is poor public policy.

Wait a minute, you say, I thought you were talking about credit cards. To say that this amendment about guns in the parks is out of left field insults the many ball players who, over the years, have held that position—yes, even the bumblers. It insults them.

For the past 25 years, the regulations requiring guns in parks to be unloaded and stored has served the Park Service and the park public well. It helps keep our national parks the safest lands in the country. The probability of being a victim of a violent crime in a park is less than 1 in 700,000. These regulations also help prevent mischief and even poaching of endangered species that our parks help protect.

Our national parks are national treasures, and they should be granted special protections. It's completely appropriate to have special regulations that are special to the parks. We in Congress should do everything we can to ensure that these invaluable resources are protected for future generations, and I strongly urge my colleagues to vote against that amendment in this bill.

Mr. SESSIONS. Mr. Speaker, we spoke just a minute ago about how banks had accepted these TARP funds and accepted them because it was necessary at the time to ensure the financial success of the banking system. And yet now here we are a few months later and the banks have undergone their stress tests. The banks understand more about the risk that is out there. And yet even as companies like JPMorgan Chase want to refund $45 billion or give it back to the government, the government is balking at them doing that.

The reason why is, as this article in Bloomberg.com states, because the government has a methodology that they want to follow which would cause banks to be in a different position because—in other words, not run their business the way they want—because government wants to tell them what the rules and regulations would be. And it appears as though that that is what this Treasury Department wants to do, that they have delayed banks paying back the money so that they can then put rules and regulations industrywide on anyone that took this money.

Mr. Speaker, what should happen is we should have a Treasury Department that eagerly, gleefully wants to get back money that was given to them on behalf of the taxpayer. And instead what happens is we have a Treasury Department that is delaying this. It is making it, I believe, more difficult, all under the guise, then, of trying to make sure that they get what they want, and that is exacting more rules and regulations on these banks.

I think that the Treasury Department should respond back to our letter. They should tell us what the exit strategy is, how people should pay back the money, and let the free enterprise system go about its job of creating not only a better economy, but also creating an opportunity to raise stock prices and employment in this country by doing their job in the free enterprise system.

I will include this article from Bloomberg.com as part of our testimony today.

MORGAN STANLEY, JPMORGAN, GOLDMAN SAID TO APPLY TO REPAY TARP

(By Christine Harper and Elizabeth Hester)

MAY 19 (BLOOMBERG)—Goldman Sachs Group Inc., JPMorgan Chase & Co. and Morgan Stanley applied to refund a combined $45 billion of government funds, people familiar with the matter said, a step that would mark the biggest reimbursement to taxpayers since the program began in October.

The three New York-based banks need approval from the Federal Reserve, their primary supervisor, to return the money, according to the people, who requested anonymity because the application process isn't public. Spokesmen for the three banks declined to comment, as did Calvin Mitchell, a spokesman for the Federal Reserve Bank of New York.

If approved, the refunds would be the most substantial since Congress established the $700 billion Troubled Asset Relief Program last year to quell the turmoil that followed the bankruptcy of Lehman Brothers Holdings Inc. Banks want to return the money to escape restrictions on compensation and hiring that were imposed on TARP recipients in February.

''It really is a way for them to break from the herd,'' said Peter Sorrentino, a senior portfolio manager at Huntington Asset Advisors in Cincinnati, which holds Goldman Sachs and JPMorgan shares among the $13.8 billion it oversees. ''It's a great way to attract customers, personnel, capital.''

Treasury Secretary Timothy Geithner said on April 21 that he would welcome firms returning TARP funds as long as their regulators sign off. He added that regulators will consider whether banks have enough capital to keep lending and whether the financial system as a whole can supply the credit needed to ensure an economic recovery.

GEITHNER'S ''BROAD CONSTRAINTS''

One of the people familiar with the efforts by the banks to repay TARP said he anticipates that the government would prefer to issue industrywide compensation guidelines before allowing any major banks to repay TARP money.

Geithner said yesterday that he would like to establish ''some broad constraints'' on compensation incentives in the financial industry instead of setting limits on pay. A law that went into effect in February sets a cap on the bonuses that can be paid to the highest-paid 25 employees at banks that have more than $500 million of TARP funds. Banks are awaiting guidance from the Treasury on how to implement the rules, such as how to determine which people to count in the top 25.

JPMorgan, Goldman Sachs, and Morgan Stanley were among nine banks that were persuaded in mid-October by then-Treasury Secretary Henry Paulson to accept the first $125 billion of capital injections from the TARP program to help restore stability to the financial markets.

STRESS-TEST RESULTS

The refunds would be the first by the biggest banks that participated in the program. As of May 15, 14 of the smaller banks that received capital under the program had already repaid it, according to data compiled by Bloomberg.

The 19 biggest banks were waiting for the conclusion earlier this month of so-called stress tests to determine whether they would require additional capital to withstand a further deterioration of the economy.

Goldman Sachs and JPMorgan, the fifth- and second-biggest U.S. banks by assets, were found not to need any more money. Morgan Stanley, the sixth-biggest bank, raised $4.57 billion by selling stock this month, exceeding the $1.8 billion in additional capital the regulators said the bank may require.

''WRONG TIME''

While executives at Goldman Sachs and JPMorgan have expressed a desire to repay their TARP money for months, Morgan Stanley Chairman and Chief Executive Officer John Mack told employees on March 30 that he thought it was ''the wrong time'' to repay the money.

Morgan Stanley, which reported a first-quarter loss, also slashed its quarterly dividend 81 percent to 5 cents. On May 8, when the company sold stock, it also sold $4 billion of debt that didn't carry a government guarantee. Selling non-guaranteed debt is a prerequisite for repaying TARP money.

The banks will also have to decide whether to try to buy back the warrants that the government received as part of the TARP investments. The warrants, which could convert into stock if not repurchased, would add to the cost of repayment.

JPMorgan, which has $25 billion of TARP money, would need to pay about $1.13 billion to buy back the warrants, according to a May 14 estimate by David Trone, an analyst at Fox-Pitt Kelton Cochran Caronia Waller. Morgan Stanley's warrants would cost $770 million and Goldman Sachs's would cost $685 million, Trone estimated, using the Black-Scholes option-pricing model.

BANK SHARES

Goldman Sachs and Morgan Stanley shares have climbed since Oct. 10, the last trading day before the banks were summoned to a meeting by Paulson and informed of the government's plans to purchase preferred stock in them. Goldman Sachs, whose stock closed today at $143.15 in New York Stock Exchange composite trading, is up 61 percent. Morgan Stanley, which closed today at $28.28, has almost tripled from $9.68.

JPMorgan shares, by contrast, are 11 percent lower at today's $37.26 closing price than they were on Oct. 10, when they closed at $41.64.

Banks could open themselves up to lawsuits if they repay the money too quickly and end up needing to ask the government for help in the future, James D. Wareham, a partner in the litigation department at Paul

Hastings Janofsky & Walker LLP said last week.

CNBC on-air editor Charlie Gasparino reported on May 15 that Goldman Sachs and JPMorgan believe they have been given permission to exit the TARP. He reported yesterday that Morgan Stanley is seeking preliminary assurances that it can exit the program.

Mr. SESSIONS. I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, I rise in strong support of H.R. 627 and in strong opposition to the Coburn amendment. This vital legislation was hijacked in the Senate by a dangerous amendment that would ban virtually all regulations of guns in national park and wildlife refuges—an amendment that has absolutely no place in this bill.

The Coburn amendment overturns reasonable limits put in place by Ronald Reagan and goes far beyond the regulations proposed by George W. Bush. The House will vote on this extreme language separately, and I urge my colleagues to strip the Coburn amendment from the legislation.

We need to be very clear. The rights guaranteed under the Second Amendment are fully protected under the current policy. The current rule allows guns in parks and refuges as long as they are not loaded and properly stored. The National Rifle Association has spent years trumping up claims and distorting data in order to claim a symbolic victory by overturning these Federal limits on guns in national parks. Clearly the NRA is a special group with no interest at all in protecting and preserving our national parks and wildlife areas.

Claims that visitors will be safer with loaded guns goes contrary to the data and is not credible. The FBI states that there were less than two violent crimes for 100,000 national park visits in 2006. Nationally, the violent crime rate is 300 times that.

It is important that we realize that our parks are special places and that a tradition of 100 years, law that has been in place and regulations since the Ronald Reagan era have protected and enhanced those parks. The Coburn language will have devastating consequences—some intended, some not. It is far different from the rule proposed by the former Secretary Kempthorne and goes well beyond anything we have considered in this House under Democratic or Republican leadership.

Our parks and refuges are America's cathedrals. They are a sanctuary for wildlife and visitors. Loaded guns, which can be brandished at the drop of the hat, are wholly inconsistent with these values. I urge defeat of the amendment.

Mr. SESSIONS. Mr. Speaker, at this time I would like to reserve the balance of my time.

Ms. PINGREE of Maine. I am the last speaker for this side, so until the gentleman has closed for his side and yielded back his time, I will reserve my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentlewoman letting me know that she has no further speakers.

Mr. Speaker, one of the things that we spoke about earlier was the letters that the Republican leadership has sent to Secretary Geithner asking questions about Treasury's plans now about not only the use of TARP funds, how they will be paid back, what that process is, and finally, the exit strategy from the TARP program.

The Republican leadership in this House sent a letter to Secretary Geithner months ago. We have not heard anything back, certainly not in writing. So we have looked across the news media for releases that came from the Secretary, and among other things, we have seen things that disturb us greatly. One of those is that the Secretary has openly talked about the wanting to have this Federal Government change the investment that was made in these banks from, in essence, one type of instrument to another. In this case, it was from preferred stock to common stock.

In other words, since they put the money in the system, in the banks, and they cut a deal about what they would do, they now want to change the rules of the game. I believe that is not only unhealthy, I think it would absolutely be against the spirit of the law that we passed about the intent.

What happens when you do this is now the Federal Government would then become a common shareholder, meaning that the government would be investing in the stock market. The government would become a partner in that effort, meaning that the government, as such a large player, could determine the stock price up and down. I think that is a bad deal. I think that's a bad deal not just for the free enterprise system, but I think that's a bad deal for this government. It puts them into a position where the government helps control the stock market and the stock price.

We've asked Secretary Geithner what he thinks about that. Secretary Geithner has not responded except to say that that is reserved as an option. And now on May 13, we see that Secretary Geithner announces that the bailout repayments will be reused for smaller banks. That means that the money that was lent as part of the TARP program, when the money comes back in, Secretary Geithner is now going to reallocate that to smaller banks.

It should be noted that what happened is a number of these banks have already received the money. But the TARP program, by the way it was set up, it said that when the money comes back in, it will go back into general funds. In other words, it was taken out of general funds. It was expected that it would be paid back plus interest and would come back to us.

Despite what Secretary Geithner says, there are some Members of this body who are very clear about what they think about that. And as this ABC News, off their Web site, dated May 13 article said, Despite the warm welcome Geithner's announcement received from the assembled bankers, some Capitol Hill lawmakers are none too happy with the plan to repay taxpayer money back out to smaller banks.

And it talks about Representative BRAD SHERMAN, who is a Member of this body and a Democrat from California, ''blasted Geithner on the House floor today, citing part of the original TARP bill—Section 106D—that he said meant that these plans were 'illegal.'

''It is being widely accepted in the press and on Wall Street and in Washington that whatever the Secretary gets back from the banks will instead be part of some revolving fund from which the Secretary of the Treasury may make additional bailouts in addition to the first $700 billion of expenditures.''

It says, ''Sherman went on, 'Well, the statute is very clear to the contrary, whatever is returned to the Treasury,' '' it is returned to the Treasury. It goes into the general fund.

Mr. Speaker, what we're talking about is the Secretary of the Treasury has the authority and the responsibility to manage these funds. I do recognize that as these funds were given, there was a change of administration. I believe, and I think this Congress believes, that Secretary Geithner was a part of that transition. But now that the Secretary has been in office and he has assembled his team, it's time that the Secretary be very plain and write back at least those people who are writing letters, including the Republican leadership, asking what the plan is.

Seeing press releases as they come out one at a time as the Secretary chooses to do this is not a plan. We're after a thoughtful idea and process now that we've been through the stress test about how the American taxpayer can be paid back. And I think the $700 billion plus interest is what needs to come back to the Treasury and go into the general fund.

Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from Roswell, Georgia, Dr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank my good friend from Texas for his leadership on this and so many issues, and he talks about economic responsibility, which is what this is all about.

The context of this legislation that we're considering, the Credit Cardholders' Bill of Rights Act—and I'm oftentimes struck in Washington that the title of the bill doesn't bear any resemblance to what is in the substance of the bill, and this is again true with this ''Bill of Rights Act.''

But the context in which we're talking about this legislation is an economic backdrop that this country has

never experienced before. I hear from constituents every single day from my district who are unable to get loans or new lines of credit. I hear from banks in my district who are suffering under mark-to-market accounting rules and getting mixed messages from the regulators and still wanting to lend.

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In that light, this legislation is simply the wrong thing at the wrong time. This bill, this ''credit cardholders' bill of rights act,'' will decrease the availability of credit and increase the cost of credit.

Consumers should receive key information about credit card products in a more concise and simple manner. Yes, we agree with that. Information will empower consumers to determine which credit card product is right for them. But this bill will decrease the availability of credit and increase its cost. It will impose significant restrictions and price controls on creditors, and individuals will have fewer options, not more, Mr. Speaker, fewer options from which to choose.

This bill will, by law, prevent issuers from being able to price for risk. That means they can't look at an individual's credit history to determine what price that issuance of credit will cost. It will dictate how they must treat the payment of multiple balances. It will implement price controls. We'll only see restricted access to credit for those with less than perfect credit histories and, again, increase the cost of credit for everyone.

So I ask my colleagues to join me in protecting the American consumer by voting against this rule and by voting against this legislation. Let's foster competition in the marketplace by providing consumers with timely, clear, and conspicuous information about credit cards. Let's ensure that the key terms of a credit card account are disclosed on a clear and timely basis when shopping for credit and throughout the account relationship.

Let's preserve the ability of card issuers to provide the benefits and the flexibility cardholders have come to expect from their credit card accounts. A recognition that cardholders have different needs and preferences and, therefore, a one-size-fits-all approach to card practices is not the preference of the American people. This bill will increase the cost of credit and decrease its availability.

I urge my colleagues to vote ''no'' on the rule and ''no'' on the underlying legislation.

Mr. SESSIONS. I thank the gentleman for his thoughtful comments.

Mr. Speaker, at this time, I'd like to yield 4 minutes to the gentleman from Lubbock, Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Well, I thank the gentleman, and we are here today debating a very familiar issue in terms of credit cards, but this time things are a little bit different.

I do not strongly support the underlying provisions of H.R. 627, but I strongly support the Second Amendment protections offered by our colleague across the Capitol, Senator COBURN, and approved by the Senate. Anytime that Congress can back Americans' Second Amendment rights, we should certainly do so.

We've heard from our constituents and people across the country that they are upset about some of the credit card policies that are coming in place. Some people are seeing their interest rates increased, and some are seeing their credit lines reduced. I understand their concerns, particularly those who have been playing by the rules, using their credit cards responsibly. They feel like now they are being penalized for doing the right thing, and I don't disagree with them.

One of the things that people think is that somehow this credit card bill is going to help the people that have been doing and playing by the rules. In fact, this bill I believe hurts people that have been playing by the rules. Those who have been using their credit cards responsibly now can expect some extra fees and maybe now annual fees, where previously they were paying no annual fees.

We've talked a lot about what the Federal Reserve has been trying to do, and they have already issued new rules on credit card activities, and in fact, we've not even given the time for these new rules to be implemented, and we're going to bring legislation.

Now, the problem that I have with that is that anytime you put a new policy in place, sometimes there are unintended consequences. One of the things about making this law, as opposed to letting the Federal Reserve make that rule, is if the Federal Reserve were to discover that in some cases, some of these credit card rules were in fact being punitive to credit card users, they would have the ability to amend their rules.

If we put this into law, the problem is that if we find out there's some unintended consequences, then we have got to come back and go through a legislative process to undo that. Now, how many people believe that Congress has a history of undoing legislation that is found to be onerous? The record is not very good, and that's the reason many of us believe that we need to let these new Federal Reserve rules go into place, let the marketplace determine what are the best policies, and the best way to adjust to this.

If you look at the history of credit cards, what you learn is that many years ago credit cards were only available to the very best customers in the bank. Many people were not able to get credit cards. But as States changed their usury laws and more flexibility was given to these credit card companies on pricing of credit cards, they became available to many more Americans, and now almost every American probably has some form of credit card or the other.

What is going to happen now is that what these banks did, they were able to, if you were a little bit riskier customer, you paid a little bit higher rate. If you were a little less risky customer, you paid a lower rate. If you were paying your balances on time, you were being rewarded for that. If you were being late, you were being penalized for that. That makes sense. You know, good behavior, reward good behavior; bad behavior, punish bad behavior.

But what this bill wants to do is say, you know what, we're going to wrap everybody up into one little package and say everybody is the same. It doesn't matter whether you're chronically late on your credit card or if you're paying out the balance in full each month, we are going to restrict the ability to—

The SPEAKER pro tempore (Mr. SALAZAR). The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman 2 additional minutes.

Mr. NEUGEBAUER. So why would Congress do that to credit cardholders that are actually being responsible about that. Well, they shouldn't do that, and that's the reason we should defeat this rule and defeat the underlying bill.

Now, interestingly enough, there was a New York Times article I believe yesterday—and not always do I agree with some of the things that are in the New York Times—but I thought it was interesting that this particular article basically said that same thing, that we're going to just allow banks to be able to do risk-based pricing and, to quote, ''Banks used to give credit cards only to the best consumers and charge them a flat interest rate of about 20 percent and an annual fee. But with the relaxing of usury laws,'' as I told you earlier, they are able to do risk-based pricing.

It goes on to say that there will be one-size-fits-all pricing. What does that mean for those of us that maybe haven't been paying an annual fee on our credit card? We're going to be paying an annual fee. Those of us that have been enjoying a grace period, that grace period probably is going to get shorter. Those of us that maybe have reward credit cards where we're getting airline miles and something like that, what does that mean? Those probably are going to be restricted or could go away.

That's what happens when we get the Federal Government trying to tell Americans what kind of credit card they ought to have, what kind of mortgage they ought to have, what kind of car they ought to drive, what products their banks should be able to provide for them. What made this country great is innovation, and when the Federal Government starts getting involved in these businesses we destroy innovation, we destroy American people's choices, and that's not what the American people I believe sent Members of Congress here to do, to take away their choices. I believe they sent Members of Congress here to enhance their choices and enhance their opportunities.

And so with that, Mr. Speaker, I encourage Members to vote against the rule and vote against the underlying legislation, and I appreciate the gentleman for yielding.

Mr. SESSIONS. I thank the gentleman for not only coming to the floor but for his thoughtful ideas.

Mr. Speaker, in closing, I'd like to stress that while my friends on the other side of the aisle claim to be protecting consumers with this legislation, in reality, they're going to limit credit, reduce benefits, and raise interest rates for every single consumer, whether they were a good consumer or a risky consumer.

I think the American taxpayer, really, the American public, including small businessmen and -women, really deserve the same accountability and transparency with their dollars to be used in a way that they see fit.

Mr. Speaker, we as a Nation have a real problem, and we need real solutions, and passing this legislation today when we already have a statute that will take place is simply a waste of time.

We need to protect jobs. We need to provide more jobs. We need to encourage economic growth. And we need to restore the American public's faith in their Members of Congress.

And I believe today you have heard very succinctly the Republican Party come down and talk about how this bill is a big overreach that will impact and cause problems to a system rather than making it better.

With that, I encourage a ''no'' vote on this closed rule.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, in spite of all the debate this morning on the TARP, on Secretary Geithner, on guns in the national parks, I just want to remind my colleagues that we're here today to talk about the rule on H.R. 627, the Credit Cardholders' Bill of Rights.

Mr. Speaker, this is an opportunity for us to prove to nearly 175 million Americans with credit cards that we understand their frustration and we recognize that they are the target of unfair, unreasonable, and deceptive practices. Late fees, over-the-limit fees, arbitrary increases in interest rates, the credit card companies have gotten away with far too much for far too long. It's time we level the playing field now for small businesses, for families and for individuals across this country.

I urge a ''yes'' vote on the previous question and on the rule.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the Credit Card Holders' Bill of Rights.

In these unpredictable economic times, as American families struggle to pay their bills, the last thing they need is to find an unwelcome surprise on their monthly credit card statement. Since the start of the financial crisis, my office has been inundated with complaints about unexpected interest hikes, mysteriously shifting due dates and indecipherable new charges on their credit card bills. These tricks and traps are unfair and can lead to devastating financial consequences for families already teetering on the edge.

The Credit Card Holders Bill of Rights protects consumers from these abuses with strong, forward looking protections. The bill ends unfair, retroactive interest rate increases; prohibits excessive ''over-the-limit'' fees; protects cardholders who pay on time; forbids a card company from unfairly allocating consumer payments or using due date gimmicks; enhances restrictions on card issuance to young consumers; and prevents deceptive marketing practices.

Similar protections have been finalized in the rule making of the Federal Reserve and other agencies. But they do not take effect until July of 2010. By codifying many of those proposals into law now, the Credit Card Holders Bill of Rights helps to protect consumers more quickly and when they need it most.

President Obama asked Congress to deliver for his signature, in time for the Memorial Day Recess, a strong bill that protects consumers from abusive practices. This is that bill. I encourage my colleagues to join me in supporting it.

Mr. BLUMENAUER. Mr. Speaker, I strongly support the passage of the Credit Cardholders' Bill of Rights Act. This legislation will help to create a fairer consumer credit market by curbing some of the most egregious and arbitrary credit card lending practices. Current industry practice can trap consumers in a vicious cycle of debt—this legislation will assist in breaking that cycle.

Americans now carry roughly $850 billion in credit card debt, roughly $17,000 for each household that does not pay their balance in full each month. A recent Sallie Mae survey indicated that 84% of undergraduates had at least one credit card and that, on average, students have 4.6 credit cards.

The legislation bars the practice of ''universal default.'' Credit card issuers will not be able to increase a cardholder's interest rate on existing balances based on adverse information unrelated to card behavior.

The legislation also bars so-called ''double-cycle billing'' and similar practices, where credit card companies bill consumers for balances already paid by the borrower.

The legislation requires that consumer payments be directed at the highest interest portions of a credit card balance, allowing consumers to more quickly pay down their balances.

The legislation also requires that fees be reasonable and proportional to the consumer's late or over-limit violation. Penalty clauses are generally unenforceable in the realm of contracts. Why should consumers be unfairly burdened? Congress should ensure that consumers will not be terrorized into performance.

Oregon students and families, like students and families across the country, are heavily burdened by credit card debt. I support this bill because it requires fair terms for this burden and it levels the playing field for consumers by increasing consumer protections.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the Coburn Amendment to the Credit Cardholders' Bill of Rights that will allow for loaded, concealed weapons to be carried in National Parks, ending a long-standing prohibition against the practice. This amendment is not germane to the underlying bill, makes our parks and historic sites less safe, and increases the opportunity for illegal poaching of protected wildlife.

Last year, the Bush Administration tried to push through similar regulations as contained in this amendment, undoing Reagan-era restrictions on the possession of loaded, concealed weapons in National Parks. During the public comment period 140,000 people voiced their opinion, 73 percent of which opposed the new regulations. Despite this public rejection, the Bush administration finalized the regulations. Earlier this year, a U.S. District Court ruled against the implementation of the regulations because the process was ''astoundingly flawed'' and because officials ignored substantial evidence regarding the impact the new regulations would have on the environment.

Today, Congress is trying to surreptitiously enact ill-conceived and dangerous policy as an attachment to an entirely separate piece of legislation. Allowing loaded, concealed weapons in National Parks will endanger National Park Service employees, National Park visitors, and wildlife. While the NRA may support this wrong-headed policy change, the amendment is opposed by the Association of National Park Rangers, the U.S. Park Rangers Lodge—Fraternal Order of Police, the National Parks Conservation Association, and the Coalition of Park Service Retirees. Quite simply, those who would be directly impacted by this action believe it is unwise and will endanger the lives of both humans and wildlife.

The need for this change, according to proponents, is to allow National Park visitors the ability to protect themselves from potential violence. But National Parks are exceedingly safe places, experiencing much lower rates of crime than in the general public. In fact, National Parks experience 1.6 violent crimes per 100,000 visitors, much lower than the over 170 violent crimes per 100,000 individuals recorded among the general public. The more likely result of this provision is an increase in gun accidents and poaching activity. This amendment will make National Park visitors less safe, not more.

Proponents also insist this amendment is about restoring Second Amendment rights to citizens. Yet, even in the Supreme Court's Heller v. D.C. ruling, the Court was clear that the Second Amendment is not absolute and that certain restrictions could be established to protect public safety. I believe prohibiting concealed weapons in National Parks is one such allowable restriction.

National Parks are natural cathedrals. They are places where Americans can go to escape their everyday lives and experience the beauty of the natural world. Current regulations requiring weapons to be unloaded or disassembled, regulations first imposed by the Reagan Administration, have served the public interest for the past 25 years. The Coburn amendment is unnecessary, non-germane, and dangerous. I strongly urge my colleagues to vote against it.

Mr. DINGELL. Mr. Speaker, I rise today in strong support of H.R. 627, the ''Credit Cardholders' Bill of Rights Act of 2009,'' a bill of which I am a proud co-sponsor. My friend and colleague, Representative CAROLYN MALONEY, who is the bill's author, has been a tireless advocate for protecting consumers from the abuses of the credit card industry. This legislation will mandate meaningful reform for an industry that has been permitted to run wild for far too long.

We hear daily of countless Americans, who are struggling to pay their bills. My home state of Michigan has an unemployment rate of around 13 percent, the highest in the nation. Compounding this lamentable state of affairs is the fact that workers in this country have suffered a decline in real wages over the past decade. As a result of being stretched to their financial breaking point, many families have had to resort to using credit cards to pay for unforeseen costs, such as car repairs or emergency room bills. Far too often, these families are subjected to arbitrary interest rate increases and also forced to pay iniquitous late fees.

The Credit Cardholders' Bill of Rights will help put an end to these shameful practices and require credit card companies to treat consumers fairly. Importantly, this legislation will restrict the practice known as ''universal default,'' whereby a credit card company uses information about a cardholder's financial status, such a change in his or her credit rating, to raise the cardholder's interest rate, even if the cardholder has not defaulted on payments or made them late. Moreover, H.R. 627 will also ban what is known as ''double cycle billing,'' which is the collection of interest on amounts already paid by consumers to credit card companies.

In this time of severe recession, I feel it imperative that consumers be afforded fair protection from unfair credit card industry practices. I urge my colleagues to vote in favor of this common-sense legislation, which will help stem the tide of unscrupulous and predatory lending, interest rate increases, and other deceitful practices that have brought our nation to an economic precipice of gargantuan proportions.

Mr. HOYER. Mr. Speaker, first, I want to thank Representative MALONEY, who sponsored the House companion of this bill, and who has a tireless advocate of credit card reform.

If this recession has brought home to us one important truth, it is the danger of debt. Americans from homeowners to bankers took on risks and debts they could not afford, and the result was a crisis that touched every one of us. I don't think the lesson is one we will soon forget. But nearly as harmful are those who take advantage of our debt—and in that category, unfortunately, go many of America's credit card companies. No one doubts that credit cards have become an essential part of our consumer economy; no one doubts that millions of Americans use their credit cards responsibly every day, and pay their bills every month. But even for those responsible cardholders, credit card policies have often been incomprehensible and exploitative.

The Credit Card Accountability, Responsibility, and Disclosure Act takes important steps to bring those harmful policies under control, ensuring that responsible cardholders are treated fairly. Among its provisions, this bill prevents arbitrary and unfair rate increases, which, under current policies, can kick in even for cardholders who pay their balances in full. It bans exorbitant and unnecessary fees, including fees charged just for paying your bill. It prohibits card companies from charging interest on debt that is paid on time, a practice known as double-cycle billing. And it insists that card companies disclose their policies clearly and openly to cardholders, and notify them when those policies have changed.

This bill goes a long way toward removing a persistent source of unfairness in the lives of many Americans. Debt is a part of any economy—but it must be treated responsibly, and it must be guarded from exploitation. That is what this bill accomplishes, and I urge my colleagues to support it.

Ms. PINGREE of Maine. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2352, JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 457 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 457

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my good friend, the gentlewoman from North Carolina, Dr. Foxx. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 457.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 457 provides for consideration of H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Small Business.

The rule makes in order nine amendments which are listed in the Rules Committee report accompanying the resolution. Each amendment is debatable for 10 minutes, except the manager's amendment which is debatable for 20 minutes.

The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, I rise in support of House Resolution 457 and the underlying bill, the Job Creation Through Entrepreneurship Act of 2009. I'd like to thank Chairwoman VELÁZQUEZ, as well as my friend from North Carolina (Mr. SHULER) and my colleagues on the Small Business Committee for their strong leadership in bringing this legislation to the floor.

Mr. Speaker, this bill represents a giant step forward in ensuring a bright future for all Americans who are struggling to establish or grow their own businesses. It will bring hope to our veterans as they return home and encouragement to billions of Americans who haven't always had equal access to the necessary tools to start a business.

□ 1115

Fittingly, this legislation is on the floor of the House of Representatives during National Small Business Week. It capitalizes on untapped resources in the business community by expanding access to business counseling, training and networking to small business owners everywhere, including underserved

populations such as women, veterans and Native Americans to help ensure all of our prosperity.

This legislation will help women gain access to jobs by requiring the women's business centers to describe their job placement strategies for the area in their annual plans. Too often women are denied access to jobs in high-paying, high-growth sectors. Promoting gender equity is critical for ensuring that all workers benefit from the job creation that our economic recovery plan spurs, as well as our other policies.

This bipartisan bill, which was voice voted out of the Small Business Committee, represents what we can accomplish when Republicans and Democrats work together. While there are many ideological and political differences on how to address the economic crisis, this bill is a product of consensus.

There's nothing more American than small business. This bill is a combination of seven bills approved in subcommittee, five of which were authored by my colleagues on the other side of the aisle, and I'm especially pleased to report that my friends on both sides of the aisle support this important effort.

According to the Small Business Administration, small firms represent 99.7 percent of all employer firms, employing half of all private sector employees. As the unemployment rate climbs, these small businesses have managed to create 60 to 80 percent of the new jobs that were created annually over the last decade. It's our responsibility to create an environment where small business can thrive and continue to produce half of our non-farm GDP.

This bill will spur job creation and economic growth by expanding resources and providing technical assistance to small businesses. Small business is the engine that drives our economy, especially during tough economic times.

Unemployment continues to rise, currently at 8.6 percent nationally and 7.9 percent in my home State of Colorado. People often turn to starting their own small businesses when they become unemployed. These businesses are frequently the sole source of income for many American families. This legislation will help these entrepreneurs gain the skill required to sustain and grow their businesses and succeed.

A recent report released by the Small Business Administration reveals that the economic recession continued to deepen in the first quarter of 2009. Real GDP fell by 6.1 percent. Small business owners, consumers and the public at large remain pessimistic. Poor sales and access to credit have crippled many American businesses. With this legislation we can help reverse this negative trend and give entrepreneurs the tools they need to succeed and embrace growth opportunity for all Americans in the future.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague for yielding time, and I will yield myself such time as I may consume.

Mr. Speaker, I have read this bill very, very carefully. It's a bipartisan bill supported by some of my colleagues on this side. I think that the intent of the bill is very positive. I know the folks who are interested in this bill and know that they have the best intentions.

But I want to say that I think that, as a former small business person, and someone who has administered programs such as these through my work as a former community college president, a university administrator, and having been on a school board and dealt with agencies that operate these kinds of programs, I want to say that I have some concerns about this bill and about the rule.

I am concerned that because this was a bipartisan bill, that we have a closed rule on this. I think that it would have been a great opportunity for the majority to have given an opportunity for us to offer a lot of amendments to the bill, have a great deal of discussion on it. And I'm very concerned about the process, again, because we haven't gone through a process that I think would have been fair to our side of the aisle.

However, I also want to say that I think that, while this bill has a great title, and the intent is a good intent, that what small businesses, the engine of our economy, need are things that are different from this bill.

We're going to have many different programs in here. As I said, I went through the bill very, very carefully. I looked for ways that it's really going to create jobs, and I can't see the kind of accountability that I was hoping to see in the bill and as we talked about yesterday in the Rules Committee.

We're going to be creating, I think, a lot of jobs for bureaucrats; but it's very difficult, again, to see how we're going to create jobs in the small business arena. And I think that we come from two different world views in terms of how we approach this kind of an issue.

We know that people are hurting in this country. We know that many jobs have been lost, and we'd like to see those jobs recovered. And we know that at least half of the jobs in this country are in small businesses. And I talk to those people every day, and they tell me they're struggling, they're spending down their savings, the individuals are spending down their savings. They're doing everything they can to stay in business.

I talked to a gentleman this morning who had geared up in anticipation of receiving stimulus money to repair roads and bridges in North Carolina, and he doesn't understand why none of that money is coming down the pike.

So, again, people in small business are struggling, and they want to do something to keep their people employed. I just don't believe that this bill is going to do it.

I also don't understand, again, why this bill has been scheduled in a getaway week, when, again, with a process that is not as open as it could have been, in a noncontroversial bill, where we could have discussed it and perhaps amended it and come up with a way to really help small businesses.

So, Mr. Speaker, I'm going to urge my side of the aisle to vote ''no'' on the rule, and we'll discuss more reasons why as we go along during this debate.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I believe my good friend on the other side of the aisle said that this was a closed rule. This is actually a structured rule that allows for nine amendments that have been made in order. A number of others have been withdrawn and incorporated into the manager's amendment.

She also mentioned that she wished that there was more opportunity to amend this bill. I would just remind my colleagues that there were only three amendments that were offered from the other side of the aisle. Certainly, we would have encouraged and liked more. Of those three, two were nongermane and one, according to the Parliamentarian, of those was a violation of PAYGO. The other will, in fact, be ruled in order.

Certainly, we always appreciate suggestions from all perspectives about how to improve these bills, and hopefully we will have many more ideas that are offered on legislation going forward.

This bill expands support for veterans who are working to establish their own businesses, particularly at this time of war for our country and as we phase out of our involvement in Iraq and many men and women return home to an economy that is difficult to find a job in.

Our men and women in uniform who have made immeasurable sacrifices should have the opportunity and assistance they need to start a business. Our troops need to know that when they return from harm's way, there is a network of job support and business resources waiting for them when they come home.

By directing the administrator of the Small Business Administration to establish a Veterans Business Centers program, this bill will provide entrepreneurial training and counseling to veterans. This training will empower veterans who participate in the program to achieve access to capital and start their own businesses, helping to rebuild our economy.

The SBA will provide small business grants through these Veterans Business Centers which alleviates a major hurdle to many new businesses, access to capital. This bill puts specific emphasis on service-disabled veteran-owned small businesses. We owe a special duty to our wounded warriors, especially those whose reentry into the work force could otherwise be difficult.

This legislation presents an opportunity to fund efficient growth in a

sector that reaches everyday Americans. Every dollar invested in these incentives and initiatives returns $2.87 to the economy, and in 2008 alone, the SBA's entrepreneurial development program helped generate 73,000 new jobs and infused $7.2 billion into the economy. Let me repeat that: 73,000 new jobs at a time when we're hemorrhaging 32,000 jobs a month and we all dread the release of the next unemployment report.

Job creation is vital to our economic recovery. It's during these tough economic times that more and more Americans are starting small businesses. In fact, the majority of Americans' first job is at a small business. As our economy bounces back, Americans returning to work will find that it is a small business community in which they will find their next opportunities.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague for correcting my misstatement about the rule. And I'm curious about the number of new jobs that the Small Business Administration is said to have created in the past. I'm very curious to know how much each of those 73,000 new jobs cost us, because we know that in much of the legislation that has been passed this year, there has been a great cost to the jobs. And, yesterday, in the debate in the Rules Committee, everybody agreed that there has been very little accountability and evaluation on the part of the Small Business Administration in terms of the effect of the Small Business Administration in terms of pinning down numbers.

We know, by the Small Business Administration, that small businesses employ about half of U.S. workers. Of 116.3 million nonfarm private sectors in 2005, small firms with fewer than 500 workers employed 58.6 million, and large firms employed 57.7 million. Firms with fewer than 20 employees employed 21.3 million. And what we know, from talking to these people, is that what concerns them is not so much that we have the government out there saying, we're from Washington and we're here to help you, but there are very specific things that small businesses tell us that they would like.

Let me talk a minute about the death tax, for example. We all know that the voice of small business on Capitol Hill is NFIB, and NFIB has been talking for a long time about the permanent death tax repeal. They did a member ballot recently, and 89 percent of small business owners said they want full repeal of the death tax.

Opponents of permanently repealing the death tax claim eliminating this tax will do nothing to stimulate economic growth. But we know that the studies that have been done tell a very, very different story.

Yet, our colleagues across the aisle are adamantly opposed to eliminating the death tax. Yesterday, in the Rules Committee, my colleague, Mr. SESSIONS, talked about this, and he was corrected by our colleagues on the other side of the aisle, saying, no, this is not an important issue to small businesses; that it's not one of their top issues. But we know that it is. And there's a lot of research to show that.

I will talk some more again about the facts that we have about what small businesses would like to see us do.

Before I do that, I'd like to yield as much time as he may consume to my distinguished colleague from Illinois, Mr. ROSKAM.

□ 1130

Mr. ROSKAM. Thank you. I thank the gentlewoman for yielding.

You know, I offered an amendment to the Job Creation Through Entrepreneurship Act, H.R. 2352, and it's one of those bill titles that is sort of inarguable. Who can simply be against job creation through entrepreneurship? Nobody. So I put forth an amendment to bring some predictability to this entire debate that we're having or, frankly, that we're not having about the death tax, because the death tax, as you know, is a crushing tax. It's a tax that is imposed on success that has been created many times through generations who have worked, who, ironically, have paid taxes on their businesses and who are looking for some sense of predictability into the future.

What is happening, coming from this Congress, is sort of an orthodoxy that has developed that says we're going to sort of make it up as we go along. Here we have the Energy and Commerce Committee that has been dealing with foisting another tax burden. The chairman of the Ways and Means Committee characterized this—and I'm paraphrasing—as a tax that is the cap-and-tax initiative. There is no other way to describe it. Yet here was this simple amendment that would have repealed the death tax and that would have brought some predictability into it. Just on a party vote, it was sort of swatted aside. I'm told by listening this morning that it was characterized as unimportant. Well, I'll tell you what. For companies in my district, for small businesses in the suburbs of Chicago, the death tax is not an unimportant issue. Let me just highlight a couple of the entities that are in favor of the death tax repeal:

The U.S. Chamber of Commerce; the National Federation of Independent Business, which the gentlelady referenced a minute ago; the National Association of Manufacturers; the National Small Business Association; the National Association of Realtors; the S Corporation Association of America; the Association of Equipment Manufacturers. We know dozens and dozens, if not hundreds and if not thousands, of small companies, entrepreneurs, and self-employed folks who understand fundamentally how important this issue is.

So it shouldn't be characterized in sort of the inner sanctum of the Rules Committee as unimportant when all of these entities have stepped forward and have said, No, no, no. This is vital. This is not unimportant. This is vital, and it ought not be swatted away. It ought just not be said that we're not going to allow a roll call vote on this and that the only way you're going to be able to raise this issue is to sort of scrap along and bring it up in a rules debate. The House is going to be completely silent? Think about the signal that that sends to the small business person. Think about the signal that that sends to the entrepreneur. Think about the signal that this Congress is sending to the self-employed. It is sending a signal that says there is no predictability into the future based on what this Congress is going to do.

I would suggest that we are in an economic situation the likes of which none of us have ever seen before. We're in an economic situation the likes of which no generation has really ever seen before, and the pace of change is moving so quickly that it's very difficult for folks to get their arms and their heads around it. The Rules Committee had an opportunity to say, Look, once and for all, let's get this done. Once and for all, let's get this death tax repealed off the books. Take away the ambiguity so that people know what they're doing in the future.

It is said that up to $25,000 a year is spent by small businesses, on average, just for attorneys and for consultant fees in order to figure out how it is that they need to arrange assets, to put it in different places and to title it in certain ways so that they can best get the advantage for their families. For a Congress that has come along and has sort of given lip service to small business and has given lip service to entrepreneurship—I mean think about it. This is the bill title that we're talking about right now: Job Creation Through Entrepreneurship Act. I mean, hey, fabulous little language, but you know what? If you want to create jobs, if you want to create opportunity, if you want to help entrepreneurs, the way to do that, in part, is to repeal the death tax.

So I am really disappointed that the majority on the Rules Committee was just entirely dismissive of it, was sort of plugging their procedural ears, and was unwilling to offer the opportunity to simply have a debate in the people's House about the death tax.

What is it that is so unpleasant. What is it that is so difficult? What is it politically that folks are gun shy to take this issue up? Do you know what it is? It is the clarity with which this issue speaks throughout the entire country, and I think that this Congress has missed a golden opportunity. It is with deep regret that I stand in opposition to this rule.

Mr. POLIS. You know, I feel that the five members from the other side of the aisle and the two from our side of the aisle whose bills went into the bill would not like their efforts characterized as merely ''lip service to small

business.'' This bill provides tangible tools to the Small Business Administration in helping entrepreneurs start small businesses.

With regard to taxation issues, we have a Ways and Means Committee. We have a process for discussing those bills. It was the ruling of the Parliamentarian that it was not germane to this bill, in fact, quite to the contrary of what my friends on the other side of the aisle said. I recall a comment from a member on the Rules Committee that this was an important issue, one that was worthy of discussion, but of course, again, it was not germane to this particular bill that's before us today. I'm confident that this is a discussion we'll continue to have with regard to the inheritance tax and with taxation in general, but this is simply not germane to the matter of this bill.

Let me put a human face on what the Small Business Administration does and how they help people. I had the opportunity to speak yesterday to the head of the Boulder Small Business Development Center in my district of Colorado. She told me this story of a young woman who had just graduated from college. She had broken her arm, and she had a cast for her arm. She decorated her cast with cast tattoos, and her friends all commented, I want some of those. Those look terrific. The word spread about these cast tattoos.

This young woman approached the SBA and was given the know-how she needed to be able to start a business based on those cast tattoos. Well, she has created two jobs today directly, not to mention the indirect jobs she has created through the manufacturing process. She now sells those cast tattoos in several States and continues to grow her business amidst this time of general economic uncertainty.

H.R. 2352 is the opportunity to fund efficient growth in a sector that reaches every American on Main Street. It helps us reach entrepreneurs who previously didn't have access to capital, access to information, and it provides new multilingual, online distance training and access to specialists who can help with financial literacy. By combining some of the best ideas from both sides of the aisle, in a bipartisan way, we can help move American small business forward, which will help this country recover from the recession that we're in.

I reserve the balance of my time.

Ms. FOXX. Thank you, Mr. Speaker.

I appreciate very much the comments by my colleague, but I want to say again, going back to my comments that my colleague from Illinois made about the title of this bill, Job Creation Through Entrepreneurship Act, if what we really are about here is job creation, then we would be embracing Mr. ROSKAM's amendment because we know, from a study done by Dr. Douglas Holtz-Eakin and Cameron Smith, these numbers: Repealing the Federal estate tax would increase small business capital by over $1.6 trillion. We would increase the probability of hiring by 8.6 percent. We would increase payrolls by 2.6 percent. We would expand investments by 3 percent. We would create 1.5 million additional small business jobs. We would slash the current jobless rate by almost 1 percent—0.9 percent.

So, again, there is a different world view here. The world view of the majority is the government is going to do this. The world view of our side is allow the people to keep more of their money. They will create the jobs. It will be a minuscule number of people who would ever use the resources that are going to be created with this bill.

Again, the intent is good. Nobody is discounting the good intentions of the authors of this bill. However, we could do a lot more by not creating more bureaucracy, by not taking more money from the people of this country and then having the government deciding how to spend it.

With that, Mr. Speaker, I would like to yield such time as he may consume, again, to my colleague from Illinois, Mr. ROSKAM.

Mr. ROSKAM. Thank you. I thank the gentlewoman for yielding.

Briefly, in response to the gentleman from Colorado, he raised two interesting points. They were procedural points largely, and I would just like to speak to them. As I recall, one was germaneness and the other one was PAYGO.

I think it's disappointing that the Rules Committee majority decides to impose these standards on certain bills and then decides to ignore these standards on certain bills. To act as if the majority is as pure as the wind-driven snow on PAYGO is a mischaracterization of past conduct. This is a majority that has run roughshod over its own rules in the past. So, on the PAYGO side, people in my district would characterize that as ''spare me.''

Now, on the germaneness, here we look at the rule, and the rule in paragraph 5 waives all points of order against the amendment in the nature of a substitute, et cetera, et cetera, et cetera. In other words, the rule, by declaration, can take care of the germaneness issue. So let's not hide behind procedure here. Let's not hide behind a rule book that the majority has been very, very willing to cast aside in the past to advance its own agenda.

Instead, why don't we come together. Why don't we come together and say, You know what? Let's do something that we absolutely know is going to help small businesses. Let's do something that we absolutely know is going to help the self-employed, that we absolutely know is going to help the entrepreneur, because if you're interacting with those folks across the country who are really the ones who we all give lip service to, who are really the ones to whom we all say, Well, this is the group that creates jobs, then why in the world are we putting this albatross around their necks? Why in the world are we allowing this ambiguity? They don't know if they're afoot or on horseback on this thing, and it's not fair.

You know what? This Congress can do something about it. This Congress can create predictability. If it chooses to, this Congress can say to that small business owner and to that family who has created through work and risk and toil, Look, we're not going to come through here with a confiscatory tax that takes from one generation to another. You know, we've seen enough generational theft, frankly, that has come through this Congress, where one generation has piled on debt, upon debt, upon debt, upon debt on our children. It is, frankly, irresponsible.

From George Washington to George W. Bush, we've seen how it took 43 American Presidents, Mr. Speaker, to create $5.1 trillion in debt. Yet, with this majority and with this administration, doubling that amount in 5 years and tripling that amount of money in 10 years is simply staggering.

Here we have a simple amendment that the Rules Committee sort of looks at and says, Oh, no, no, no, no, no. We're not interested. It's not important.

Not important? Not important to the folks in my district? Not important to the businesses and to the entrepreneurs in suburban Chicago? Not important? It's vitally important. This Rules Committee needs to do better. This Rules Committee needs to be bringing things to the floor that create prosperity and that create opportunity.

With all due respect to this bill—and I'm sure it's a fine bill—you know what? It falls short of what the possibilities are, because when something is so important as the predictability of the repeal of the death tax and it is simply swatted away—just sort of all the Democrats ''yes'' or all the Democrats ''no'' and all the Republicans ''yes'' and that's the amount of discussion it gets—then, frankly, it's not good enough. It's not good enough for the constituents whom I represent, who are deeply disappointed by the way in which this rule has come about. The underlying bill could be fabulous, but you know what? This rule is deeply disappointing, and I urge opposition to it.

Mr. POLIS. Thank you, Mr. Speaker.

There are many things that this bill is not, and I fail to find those solid grounds for opposition. This bill is not a cure for cancer. This bill is not a cut in capital gains. This bill is not about abolishing the inheritance tax. There are many things that many of us would like to do that are not in this particular bill. Rather, let us discuss the merits of this bill in helping our veterans, in helping the handicapped, and in helping the unemployed to create small businesses, to create value, and to create jobs in the economy.

I would like to yield such time as she may consume to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Thank you, Mr. Speaker.

I'm glad that during this period of economic downturn we are ensuring that we are doing everything we can to support our small businesses. We need to protect those taxpayers. We need to make sure that the backbone of the country stays intact.

□ 1145

I think it's also pertinent that this week we're recognizing National Small Business Week and celebrating the great efforts of American small businesses and everything that they're doing right now to survive this economic downturn.

For a second, I'd like to mention a small business in my district, AGM in Tucson, which last week was named by the U.S. Chamber of Commerce the Small Business of the Year for 2009. This is a Tucson-based manufacturer that is a leader in demonstrating intelligent business judgment and showing a true commitment to its employees and to its customers.

Arizona is a unique State. We have a lot of entrepreneurs, minority-owned businesses, and women-owned businesses. Altogether, there are about 100,000 small businesses that represent over 95 percent of the States' employers who, like AGM, are making vital contributions to our local economy.

Before I got involved with politics, I was the President and CEO of my family's small tire and automotive company. I know exactly how hard it is to compete in this day and age.

Small businesses are looking for the tools and resources that they need to operate and grow during this tough economic climate. That is why I'm supporting H.R. 2352, the Job Creation Through Entrepreneurship Act. This bill will reauthorize and modernize the SBA's entrepreneurial development programs. It's going to foster veterans' business opportunities and spur job creation and economic growth.

I urge my colleagues on both sides of the aisle to support this legislation and help foster American competitiveness.

Ms. FOXX. I yield myself such time as I may consume. Again, I want to say that I know that the motivation behind this bill is good, but we know not how many jobs are going to be created. We know not how many people are going to be assisted by this bill, because there is nothing in the bill that directs that. It's only after 8 years that there will be any accountability for the money being spent in this bill.

I was encouraged yesterday when my colleagues acknowledged the fact that we've had no accountability by the Small Business Administration for how they spend the money. And I thought, Well, we're going to have some great accountability in this bill. But when I read the bill very carefully, I saw that it's only after 8 years that performance standards are going to be established for the projects to get this money.

We have no idea how much money is going to be spent in administration. We don't know how many people are actually going to be served. But, as my colleague from Illinois, Mr. ROSKAM, said, we know how much would be accomplished by eliminating the estate tax. And let me talk a little bit more about that.

We know that if the owner of a small business with assets of $3 million passed away this year, the heirs of the estate would have to pay Federal estate taxes of about $460,000. Why? They've have already paid taxes on that money twice—and they're going to be paying again. Why? Just because the Federal Government says so.

Now the May, 2006, Joint Economic Committee Study has told us that a primary reason why small businesses fail to survive beyond one generation is the estate tax. Close to two-thirds of respondents—64 percent—in one survey reported that the estate tax makes survival of the business more difficult.

Eighty-seven percent of black-owned firms and 93 percent of manufacturing firms responded that the estate tax was an impediment to survival.

A survey of family business owners by Prince and Associates found that 98 percent of heirs cited a need to raise funds to pay estate taxes, when asked why family businesses fail.

If only a small percentage of the 550,000 small businesses that fail annually are attributable to the estate taxes, the cumulative number affected over time could be substantial.

In the context of the survey and tax data described here, it's easy to see how the estate tax has contributed to the failure of thousands of small and family-run businesses.

A 2004 survey of Hispanic business owners by the Impacto Group, 66 percent of respondents said the estate tax affects their ability to meet company goals by distracting their attention and wasting resources. Half of all respondents in that survey report knowing of a Hispanic small business that has experienced hardship because of the estate tax liability, including selling off equipment or the business. One-quarter of respondents said they themselves would sell part of the business to pay the tax, and 10 percent would delay expansion of the business.

So we know, again, that by getting rid of the estate tax, we would be saving thousands of small businesses, creating millions of jobs. And it is germane to this bill.

Another issue that is of great concern to small businesses—and I talked to a lady this week about it. She had read about the required paid sick leave bill that is before the Congress right now. And she said, I'm struggling. She said, I have been paying my salaries of my employees out of my savings. If this bill goes through, we will have to shut down because we can't afford this—we already give some sick leave. And we're certainly very good to our employees. They can use their vacation for sick leave. But if we're mandated to do 7 days of paid sick leave, and we know that, in many cases, people will simply take those days whether they're sick or not, then we will shut down our business.

So this Congress is acting over and over and over again to kill small businesses, and they offer us a very small bill here, as my colleague again said, that sounds wonderful. However, what it's going to do is be out there as an idea that will help small businesses, but they're going to ignore all of the things that prove they will help small businesses.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume. Again, there are many things that our country can do for small business. When we talk about taxes, of course predictability in the inheritance tax rate would be a good thing, and I hope we work towards that end.

We talk about the corporate income tax rate. There's evidence that we might be higher than many other countries in the world and, for that reason, many companies may be locating offshore. Maybe we need to reduce that.

These are all very, very important discussions. We need to look at the revenue impact, we need to look at the benefit, we need to look at how it affects American business. Business needs to be a part of that.

That's wonderful that my good friend on the other side of the aisle cited the interest in the inheritance tax issue for many affiliations and small businesses. That's a very important discussion to have. But none of that should stand in the way of the important work of the Small Business Administration in giving entrepreneurs the tools that they need to succeed. They're in these very difficult economic times.

Yesterday, I had the chance to talk to Sharon King at the Boulder Small Business Development Center in my district. They offer a number of programs that would benefit tremendously from this legislation. They feel that the ability of the SBA to help small businesses has atrophied considerably under the Bush administration.

This bill will help restore their ability to help give Americans the tools they need to start their businesses at a time when demand is higher than ever.

Not only do existing small businesses need help in accessing credit, which is becoming ever more difficult, but more and more Americans are unemployed, which gives them the opportunity to maybe start their own business, to start their own ability to earn money because they lack another job.

I'd like to reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume. I want to just mention one more issue that comes to me all the time, and I know it has to be coming to other Members of Congress as they talk to small business owners and even large business owners, and that has to do with the issue of regulations.

There's a study entitled: ''Ten Thousand Commandments: An Annual Snapshot of the Federal Regulatory State,'' which is issued by the Competitive Enterprise Institute. And just a few statistics about it because, again, we could be dealing with some issues that would reduce the role of regulations in the lives of small business owners.

I want to bring that up because this is a third point I think that hurts our small businesses tremendously. Given that in 2007 government spending stood at $2.73 trillion, the hidden tax of regulation now approaches half the level of Federal spending itself. Regulatory costs rival estimated 2007 individual income taxes of $1.17 trillion.

Of the 3,882 regulations now in the works, 757 affect small businesses. Regulatory costs of $1.16 trillion absorb 8.5 percent of U.S. gross domestic product.

Regulations dwarf the $150 billion economic stimulus package passed in 2008, and rolling back these would constitute a deregulatory stimulus.

So I would like to urge my colleagues on the other side to let us look at this issue of regulatory costs and look at ways that we can do this.

I've introduced a bill that would require more transparency in the cost of regulations, both to government and to the private sector. If we really want to help small businesses, then I think that that's something that we should be doing. It's H.R. 2255, Unfunded Mandates Information and Transparency Act. I'd like to work with my colleagues on this and other issues where we really could help small businesses.

Again, I know the intent of the underlying bill to this rule today is well-intentioned, but I believe that we have many other ways that don't cost any money to help small businesses.

I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume. If we're talking about things we can do to help small businesses that are not in this bill, let me add a number of others that we have already accomplished.

I'd like to remind my colleagues on the other side of the aisle every single Republican Member voted against the American Recovery and Reinvestment Act, which included $15 billion of tax cuts for American small businesses, including increasing section 179 expensing limits to let small business owners fully depreciate capital purchases for items likes trucks, computers, and other equipment in the same year it was purchased.

We also extended the carryback period for net operating losses, helping many small businesses in America use their losses from years past, from 2 years to 5 years. We also delayed the 3 percent withholding tax on payments to government contractors.

We also provided relief for the alternative minimum tax, which hit tens of thousands of American small business owners. We also established tax credits for small businesses that hired recently discharged veterans and out-of-work youth.

In addition to those tax cuts, the American Recovery and Reinvestment Act also generated $21 billion in new lending and investment for small businesses; provided direct interest-free loans of $35,000; and makes loans less expensive for small business borrowers by eliminating fees that were normally built into SBA-backed loans.

In the American Recovery and Reinvestment Act, we increased to 90 percent the amount of an SBA-backed loan that the government guarantees, making it easier for small businesses to get loans from local banks. We also unclogged the market for SBA-backed loans to help gain access to credit, to our markets.

In every area of our country, small businesses continue to encounter the same difficulties. They're having difficulty borrowing money and face significant difficulty raising capital from equity and other sources. Until these problems are addressed, our economic recovery will be slowed.

Fortunately, with this bill and the American Recovery and Reinvestment Act, the Congress and the President can continue to make important strides to remove these barriers to small business growth and help small business succeed in leading this recovery.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume. I appreciate my colleague for pointing out some of the good things that the majority has tried to do. But I have to tell you that not one single person has come to me to tell me that he or she has benefited from any of these things that have passed. To the contrary. They come to me and tell me how they try and try to get assistance—and can't get assistance.

Of course, I think these small amounts of tax credits are being offset by the tremendous burden that we are putting on the people of this country by increased taxes, not the least of which is the cap-and-tax bill that is passing, which is going to put a minimum of $3,000 a year increased tax burden on every family in this country, as well as several other things that are coming down the pike.

Mr. Speaker, I will be asking Members to defeat not only the rule but also the previous question so that I might amend the rule to make in order the amendment offered by Representative TERRY of Nebraska, which would amend the Small Business Act's loan program to allow qualified struggling car dealers to apply for Small Business Administration loans.

□ 1200

Many American car dealers are small businessmen and women who have been left literally holding the bag by the corporate carmakers. If this bill is truly meant to assist small business owners, this amendment would prove extraordinarily timely. This amendment is about small business. This amendment is about jobs. So I will ask people to defeat the previous question.

I also ask unanimous consent to have the text of the amendment and extraneous materials printed in the CONGRESSIONAL RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. PASTOR of Arizona). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Thank you, Mr. Speaker.

The main point of the amendment is to give SBA loans to the dealers to help them buy their own inventory since they're on the hook for the cost of their inventory since the manufacturers are going under. It is short and sweet. It's a take it or leave it or build on it. It would waive PAYGO. They waived PAYGO to bail out the manufacturers, but they don't want to waive PAYGO to help out the dealers when the manufacturing plan fails.

With that, I yield back the balance of my time.

Mr. POLIS. In talking to the Boulder Small Business Development Center yesterday in my district in Colorado, they told me about the seminars that they have in gaining access to contract decision-makers, consulting, the seminars they do to help train minority-owned businesses. Our local center also offers scaling up, which teaches entrepreneurs how to gain access to capital and grants. Finally, they're working on a turnaround program for downtown Boulder businesses, helping retailers and restaurants. Like many communities across our country, our vacancy rate has increased, and many retail businesses are having trouble in this recessionary environment. Without the resources that are made available by this bill, the Boulder Small Business Development Center, along with many other centers around the country, will be forced to cut programs and training. The 21st century will demand innovative small businesses stay up to date on groundbreaking technologies.

H.R. 2352 includes a green entrepreneurial development program to provide education classes and instruction in starting a business in the fields of energy efficiency and green or clean tech. This, at its core, is a training program that's important for the future of America. With the right training and access to the right resources, the sky is the limit for America's entrepreneurs.

So much of our work so far in this Congress has moved us in the direction of creating more jobs, passing the budget, work on health care, clean energy, education, the Recovery Act, the green schools bills, the Water Quality Investment Act. This important bill for the Small Business Administration is another step on the road to recovery.

I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 457 OFFERED BY MS. FOXX OF NORTH CAROLINA

After ''except those printed in the report of the Committee on Rules accompanying this resolution'' insert ''or contained in section 3 of this resolution''.

After ''shall not be subject to a demand for division of the question in the House or in the Committee of the Whole'' insert '', except as provided in section 2''.

At the end of the resolution, insert the following new sections:

SEC. 2. The amendment printed in section 3, if offered by Mr. Terry of Nebraska or his designee, shall be debatable for 10 minutes equally divided and controlled by the proponent and opponent. All points of order against such amendment are waived.

SEC. 3. The text of the amendment is as follows:

Page 50, after line 16, add the following new title:

TITLE VIII—ASSISTANCE TO MOTOR VEHICLE DEALERS

SEC. 801. ASSISTANCE TO MOTOR VEHICLE DEALERS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by redesignating the second paragraph (32), as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110–186; 122 Stat. 631), as paragraph (33); and

(2) by adding at the end the following:

''(34) MOTOR VEHICLE DEALERS.—

''(A) In general.—The Administration may provide loans under this subsection to motor vehicle dealers for the purchase of motor vehicle inventory.

''(B) AMOUNT.—Notwithstanding any other limitation on the amount of a loan under this subsection, the maximum amount of a loan under this paragraph shall be $20,000,000 and the Administration may participate in a loan not exceeding such amount in the manner described in paragraph (2).

''(C) MOTOR VEHICLE.—For purposes of this paragraph, the term 'motor vehicle' includes passenger automobiles, tractor-trailers, motor homes, motorcycles, motorized heavy equipment, and motorized agricultural implements.''.

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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[From the Wall Street Journal, Mar. 31, 2009]

NIGHT OF THE LIVING DEATH TAX

Lawrence Summers, President Obama's chief economic adviser, declared recently that ''Let's be very clear: There are no, no tax increases this year. There are no, no tax increases next year.'' Oh yes, yes, there are. The President's budget calls for the largest increase in the death tax in U.S. history in 2010.

The announcement of this tax increase is buried in footnote 1 on page 127 of the President's budget. That note reads: ''The estate tax is maintained at its 2009 parameters.'' This means the death tax won't fall to zero next year as scheduled under current law, but estates will be taxed instead at up to 45%, with an exemption level of $3.5 million (or $7 million for a couple). Better not plan on dying next year after all.

This controversy dates back to George W. Bush's first tax cut in 2001 that phased down the estate tax from 55% to 45% this year and then to zero next year. Although that 10-year tax law was to expire in 2011, meaning that the death tax rate would go all the way back to 55%, the political expectation was that once the estate tax was gone for even one year, it would never return.

And that is no doubt why the Obama Administration wants to make sure it never hits zero. It doesn't seem to matter that the vast majority of the money in an estate was already taxed when the money was earned. Liberals counter that the estate tax is ''fair'' because it is only paid by the richest 2% of American families. This ignores that much of the long-term saving and small business investment in America is motivated by the ability to pass on wealth to the next generation.

The importance of intergenerational wealth transfers was first measured in a National Bureau of Economic Research study in 1980. That study looked at wealth and savings over the first three-quarters of the 20th century and found that ''intergenerational transfers account for the vast majority of aggregate U.S. capital formation,'' The coauthor of that study was . . . Lawrence Summers.

Many economists had previously believed in ''the life-cycle theory'' of savings, which postulates that workers are motivated to save with a goal of spending it down to zero in retirement. Mr. Summers and coauthor Laurence Kotlikoff showed that patterns of savings don't validate that model; they found that between 41% and 66% of capital stock was transferred either by bequests at death or through trusts and lifetime gifts. A major motivation for saving and building businesses is to pass assets on so children and grandchildren have a better life.

What all this means is that the higher the estate tax, the lower the incentive to reinvest in family businesses. Former Congressional Budget Office director Douglas Holtz-Eakin recently used the Summers study as a springboard to compare the economic cost of a 45% estate tax versus a zero rate. He finds that the long-term impact of eliminating the death tax would be to increase small business capital investment by $1.6 trillion. This additional investment would create 1.5 million new jobs.

In other words, by raising the estate tax in the name of fairness, Mr. Obama won't merely bring back from the dead one of the most despised of all federal taxes, and not merely splinter many family-owned enterprises. He will also forfeit half the jobs he hopes to gain from his $787 billion stimulus bill. Maybe that's why the news of this unwise tax increase was hidden in a footnote.

Mr. POLIS. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and the nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: on adopting House Resolution 456, by the yeas and nays; on ordering the previous question on House Resolution 457, by the yeas and nays; on adopting House Resolution 457, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 456, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 247, nays 180, not voting 6, as follows:

[Roll No. 273]

YEAS—247

Abercrombie	Fudge	Michaud
Ackerman	Gonzalez	Miller (NC)
Adler (NJ)	Gordon (TN)	Miller, George
Andrews	Grayson	Mitchell
Arcuri	Green, Al	Mollohan
Baca	Green, Gene	Moore (KS)
Baird	Griffith	Moore (WI)
Baldwin	Gutierrez	Moran (VA)
Barrow	Hall (NY)	Murphy (CT)
Bean	Halvorson	Murphy (NY)
Becerra	Hare	Murphy, Patrick
Berkley	Harman	Murtha
Berman	Hastings (FL)	Nadler (NY)
Berry	Heinrich	Napolitano
Bishop (GA)	Herseth Sandlin	Neal (MA)
Bishop (NY)	Higgins	Nye
Blumenauer	Himes	Oberstar
Boccieri	Hinchey	Obey
Boren	Hinojosa	Olver
Boswell	Hirono	Ortiz
Boucher	Hodes	Pallone
Boyd	Holden	Pascrell
Brady (PA)	Holt	Pastor (AZ)
Bright	Honda	Payne
Brown, Corrine	Hoyer	Perlmutter
Butterfield	Inslee	Perriello
Capps	Israel	Peters
Capuano	Jackson (IL)	Peterson
Cardoza	Jackson-Lee (TX)	Pingree (ME)
Carnahan	Johnson (GA)	Polis (CO)
Carney	Johnson, E. B.	Pomeroy
Carson (IN)	Jones	Price (NC)
Castor (FL)	Kagen	Quigley
Chandler	Kanjorski	Rahall
Childers	Kaptur	Rangel
Clarke	Kennedy	Reyes
Clay	Kildee	Richardson
Cleaver	Kilpatrick (MI)	Rodriguez
Clyburn	Kilroy	Ross
Cohen	Kind	Rothman (NJ)
Connolly (VA)	Kirkpatrick (AZ)	Roybal-Allard
Conyers	Kissell	Ruppersberger
Cooper	Klein (FL)	Rush
Costa	Kosmas	Ryan (OH)
Costello	Kratovil	Salazar
Courtney	Kucinich	Sanchez, Loretta
Crowley	Langevin	Sarbanes
Cuellar	Larsen (WA)	Schakowsky
Cummings	Larson (CT)	Schauer
Dahlkemper	Lee (CA)	Schiff
Davis (AL)	Levin	Schrader
Davis (CA)	Lewis (GA)	Schwartz
Davis (IL)	Lipinski	Scott (GA)
Davis (TN)	Loebsack	Scott (VA)
DeFazio	Lofgren, Zoe	Serrano
DeGette	Lowey	Sestak
Delahunt	Luján	Shea-Porter
DeLauro	Lynch	Sherman
Dicks	Maffei	Shuler
Dingell	Maloney	Sires
Doggett	Markey (CO)	Skelton
Donnelly (IN)	Markey (MA)	Slaughter
Doyle	Marshall	Smith (WA)
Driehaus	Massa	Snyder
Edwards (MD)	Matheson	Space
Edwards (TX)	Matsui	Spratt
Ellison	McCollum	Stupak
Ellsworth	McDermott	Sutton
Engel	McGovern	Tanner
Eshoo	McIntyre	Tauscher
Etheridge	McMahon	Taylor
Farr	McNerney	Teague
Fattah	Meek (FL)	Thompson (CA)
Filner	Meeks (NY)	Thompson (MS)
Foster	Melancon	Tierney
Frank (MA)	Michaud	Titus
Tonko	Wasserman Schultz	Welch
Towns	Waters	Wexler
Tsongas	Watson	Wilson (OH)
Van Hollen	Watt	Woolsey
Velázquez	Waxman	Wu
Visclosky	Weiner	Yarmuth
Walz		

NAYS—180

Aderholt	Gallegly	Miller, Gary
Akin	Garrett (NJ)	Minnick
Alexander	Gerlach	Moran (KS)
Altmire	Giffords	Murphy, Tim
Austria	Gingrey (GA)	Myrick
Bachus	Gohmert	Neugebauer
Bartlett	Goodlatte	Nunes
Barton (TX)	Granger	Olson
Biggert	Graves	Paul
Bilbray	Grijalva	Paulsen
Bilirakis	Guthrie	Pence
Bishop (UT)	Hall (TX)	Petri
Blackburn	Harper	Pitts
Blunt	Hastings (WA)	Platts
Boehner	Heller	Poe (TX)
Bonner	Hensarling	Posey
Bono Mack	Herger	Price (GA)
Boozman	Hill	Putnam
Boustany	Hoekstra	Radanovich
Brady (TX)	Hunter	Rehberg
Broun (GA)	Inglis	Reichert
Brown (SC)	Issa	Roe (TN)
Brown-Waite, Ginny	Jenkins	Rogers (AL)
Buchanan	Johnson (IL)	Rogers (KY)
Burgess	Johnson, Sam	Rogers (MI)
Burton (IN)	Jordan (OH)	Rohrabacher
Buyer	King (IA)	Rooney
Calvert	King (NY)	Ros-Lehtinen
Camp	Kingston	Roskam
Campbell	Kirk	Royce
Cantor	Kline (MN)	Ryan (WI)
Cao	Lamborn	Scalise
Capito	Lance	Schmidt
Carter	Latham	Schock
Cassidy	LaTourette	Sensenbrenner
Castle	Latta	Sessions
Chaffetz	Lee (NY)	Shadegg
Coble	Lewis (CA)	Shimkus
Coffman (CO)	Linder	Shuster
Cole	LoBiondo	Simpson
Conaway	Lucas	Smith (NE)
Crenshaw	Luetkemeyer	Smith (NJ)
Culberson	Lummis	Smith (TX)
Davis (KY)	Lungren, Daniel E.	Souder
Deal (GA)	Mack	Stearns
Dent	Manzullo	Sullivan
Diaz-Balart, L.	Marchant	Terry
Diaz-Balart, M.	McCarthy (CA)	Thompson (PA)
Dreier	McCarthy (NY)	Thornberry
Duncan	McCaul	Tiahrt
Ehlers	McClintock	Tiberi
Emerson	McCotter	Turner
Fallin	McHenry	Upton
Flake	McHugh	Walden
Fleming	McKeon	Wamp
Forbes	McMorris Rodgers	Westmoreland
Fortenberry	Mica	Whitfield
Foxx	Miller (FL)	Wilson (SC)
Franks (AZ)	Miller (MI)	Wittman
Frelinghuysen		Wolf
		Young (AK)
		Young (FL)

NOT VOTING—6

Bachmann	Sánchez, Linda T.	Stark
Barrett (SC)		
Braley (IA)	Speier	

□ 1230

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2352, JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 457, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 175, answered ''present'' 1, not voting 13, as follows:

[Roll No. 274]

YEAS—244

Abercrombie	Griffith	Nadler (NY)
Ackerman	Grijalva	Napolitano
Adler (NJ)	Gutierrez	Neal (MA)
Altmire	Hall (NY)	Nye
Andrews	Halvorson	Oberstar
Arcuri	Hare	Obey
Baca	Harman	Olver
Baird	Hastings (FL)	Ortiz
Baldwin	Heinrich	Pallone
Barrow	Herseth Sandlin	Pascrell
Bean	Higgins	Pastor (AZ)
Becerra	Himes	Payne
Berry	Hinchey	Perlmutter
Bishop (GA)	Hinojosa	Perriello
Bishop (NY)	Hirono	Peterson
Blumenauer	Hodes	Pingree (ME)
Boccieri	Holden	Polis (CO)
Boren	Holt	Pomeroy
Boswell	Honda	Price (NC)
Boucher	Hoyer	Quigley
Boyd	Inslee	Rahall
Brady (PA)	Israel	Rangel
Bright	Jackson (IL)	Reyes
Brown, Corrine	Jackson-Lee (TX)	Richardson
Butterfield	Johnson (GA)	Rodriguez
Capps	Johnson, E. B.	Ross
Capuano	Kagen	Rothman (NJ)
Cardoza	Kanjorski	Roybal-Allard
Carnahan	Kaptur	Ruppersberger
Carney	Kennedy	Rush
Carson (IN)	Kildee	Ryan (OH)
Castor (FL)	Kilpatrick (MI)	Salazar
Chandler	Kilroy	Sanchez, Loretta
Childers	Kind	Sarbanes
Clarke	Kirkpatrick (AZ)	Schakowsky
Clay	Kissell	Schauer
Cleaver	Klein (FL)	Schiff
Clyburn	Kosmas	Schrader
Cohen	Kratovil	Schwartz
Connolly (VA)	Kucinich	Scott (GA)
Conyers	Langevin	Scott (VA)
Cooper	Larsen (WA)	Serrano
Costa	Larson (CT)	Sestak
Costello	Lee (CA)	Shea-Porter
Courtney	Levin	Sherman
Crowley	Lewis (GA)	Shuler
Cuellar	Lipinski	Sires
Cummings	Loebsack	Skelton
Dahlkemper	Lofgren, Zoe	Slaughter
Davis (AL)	Lowey	Smith (WA)
Davis (CA)	Luján	Snyder
Davis (IL)	Lynch	Space
Davis (TN)	Maffei	Spratt
DeFazio	Maloney	Stupak
DeGette	Markey (CO)	Sutton
Delahunt	Markey (MA)	Tanner
DeLauro	Marshall	Tauscher
Dicks	Massa	Taylor
Dingell	Matheson	Teague
Doggett	Matsui	Thompson (CA)
Donnelly (IN)	McCarthy (NY)	Thompson (MS)
Doyle	McCollum	Tierney
Driehaus	McDermott	Titus
Edwards (MD)	McGovern	Tonko
Edwards (TX)	McIntyre	Towns
Ellison	McMahon	Tsongas
Ellsworth	McNerney	Velázquez
Engel	Meek (FL)	Visclosky
Eshoo	Meeks (NY)	Walz
Etheridge	Melancon	Wasserman Schultz
Farr	Michaud	Waters
Fattah	Miller (NC)	Watson
Filner	Miller, George	Watt
Foster	Mitchell	Waxman
Frank (MA)	Mollohan	Weiner
Fudge	Moore (KS)	Welch
Giffords	Moore (WI)	Wexler
Gonzalez	Moran (VA)	Wilson (OH)
Gordon (TN)	Murphy (CT)	Woolsey
Grayson	Murphy (NY)	Wu
Green, Al	Murphy, Patrick	Yarmuth
Green, Gene	Murtha	

NAYS—175

Aderholt	Alexander	Bartlett
Akin	Austria	Biggert

Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Buchanan

NOT VOTING—13

Bachmann
Bachus
Barrett (SC)
Barton (TX)
Berkley
Berman
Bishop (UT)
Braley (IA)
Klein (FL)
Sánchez, Linda T.
Speier
Stark
Van Hollen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining.

□ 1239

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 175, not voting 11, as follows:

[Roll No. 275]

AYES—247

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—175

Aderholt
Akin
Alexander
Austria
Bachus
Bartlett
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bachmann
Barrett (SC)
Barton (TX)
Bishop (UT)
Braley (IA)
Klein (FL)
Radanovich
Sánchez, Linda T.
Speier
Stark
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining.

□ 1247

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KLEIN of Florida. Madam Speaker, I rise today to submit a record of how I would have voted on May 20, 2009 when I was unavoidably detained.

Had I voted, I would have voted "yea" on rollcall No. 274 and "aye" on rollcall No. 275.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to House Resolution 456, I take from the Speaker's table the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Credit Card Accountability Responsibility and Disclosure Act of 2009'' or the ''Credit CARD Act of 2009''.

(b) TABLE OF CONTENTS.—

The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Regulatory authority.
Sec. 3. Effective date.

TITLE I—CONSUMER PROTECTION

Sec. 101. Protection of credit cardholders.
Sec. 102. Limits on fees and interest charges.
Sec. 103. Use of terms clarified.
Sec. 104. Application of card payments.
Sec. 105. Standards applicable to initial issuance of subprime or ''fee harvester'' cards.
Sec. 106. Rules regarding periodic statements.
Sec. 107. Enhanced penalties.
Sec. 108. Clerical amendments.
Sec. 109. Consideration of Ability to repay.

TITLE II—ENHANCED CONSUMER DISCLOSURES

Sec. 201. Payoff timing disclosures.
Sec. 202. Requirements relating to late payment deadlines and penalties.
Sec. 203. Renewal disclosures.
Sec. 204. Internet posting of credit card agreements.
Sec. 205. Prevention of deceptive marketing of credit reports.

TITLE III—PROTECTION OF YOUNG CONSUMERS

Sec. 301. Extensions of credit to underage consumers.
Sec. 302. Protection of young consumers from prescreened credit offers.
Sec. 303. Issuance of credit cards to certain college students.
Sec. 304. Privacy Protections for college students.
Sec. 305. College Credit Card Agreements.

TITLE IV—GIFT CARDS

Sec. 401. General-use prepaid cards, gift certificates, and store gift cards.
Sec. 402. Relation to State laws.
Sec. 403. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Study and report on interchange fees.
Sec. 502. Board review of consumer credit plans and regulations.
Sec. 503. Stored value.
Sec. 504 Procedure for timely settlement of estates of decedent obligors.
Sec. 505. Report to Congress on reductions of consumer credit card limits based on certain information as to experience or transactions of the consumer.
Sec. 506. Board review of small business credit plans and recommendations.
Sec. 507. Small business information security task force.
Sec. 508. Study and report on emergency pin technology.
Sec. 509. Study and report on the marketing of products with credit offers.
Sec. 510. Financial and economic literacy.
Sec. 511. Federal trade commission rulemaking on mortgage lending.
Sec. 512. Protecting Americans from violent crime.
Sec. 513. GAO study and report on fluency in the English language and financial literacy.

SEC. 2. REGULATORY AUTHORITY.

The Board of Governors of the Federal Reserve System (in this Act referred to as the ''Board'') may issue such rules and publish such model forms as it considers necessary to carry out this Act and the amendments made by this Act.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 9 months after the date of enactment of this Act, except as otherwise specifically provided in this Act.

TITLE I—CONSUMER PROTECTION

SEC. 101. PROTECTION OF CREDIT CARDHOLDERS.

(a) ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.—

(1) AMENDMENT TO TILA.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(i) ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.—

''(1) ADVANCE NOTICE OF INCREASE IN INTEREST RATE REQUIRED.—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of an increase in an annual percentage rate (except in the case of an increase described in paragraph (1), (2), or (3) of section 171(b)) not later than 45 days prior to the effective date of the increase.

''(2) ADVANCE NOTICE OF OTHER SIGNIFICANT CHANGES REQUIRED.—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of any significant change, as determined by rule of the Board, in the terms (including an increase in any fee or finance charge, other than as provided in paragraph (1)) of the cardholder agreement between the creditor and the obligor, not later than 45 days prior to the effective date of the change.

''(3) NOTICE OF RIGHT TO CANCEL.—Each notice required by paragraph (1) or (2) shall be made in a clear and conspicuous manner, and shall contain a brief statement of the right of the obligor to cancel the account pursuant to rules established by the Board before the effective date of the subject rate increase or other change.

''(4) RULE OF CONSTRUCTION.—Closure or cancellation of an account by the obligor shall not constitute a default under an existing cardholder agreement, and shall not trigger an obligation to immediately repay the obligation in full or through a method that is less beneficial to the obligor than one of the methods described in section 171(c)(2), or the imposition of any other penalty or fee.''.

(2) EFFECTIVE DATE.—Notwithstanding section 3, section 127(i) of the Truth in Lending Act, as added by this subsection, shall become effective 90 days after the date of enactment of this Act.

(b) RETROACTIVE INCREASE AND UNIVERSAL DEFAULT PROHIBITED.—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended—

(1) by redesignating section 171 as section 173; and

(2) by inserting after section 170 the following:

''SEC. 171. LIMITS ON INTEREST RATE, FEE, AND FINANCE CHARGE INCREASES APPLICABLE TO OUTSTANDING BALANCES.

''(a) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan, no creditor may increase any annual percentage rate, fee, or finance charge applicable to any outstanding balance, except as permitted under subsection (b).

''(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply to—

''(1) an increase in an annual percentage rate upon the expiration of a specified period of time, provided that—

''(A) prior to commencement of that period, the creditor disclosed to the consumer, in a clear and conspicuous manner, the length of the period and the annual percentage rate that would apply after expiration of the period;

''(B) the increased annual percentage rate does not exceed the rate disclosed pursuant to subparagraph (A); and

''(C) the increased annual percentage rate is not applied to transactions that occurred prior to commencement of the period;

''(2) an increase in a variable annual percentage rate in accordance with a credit card agreement that provides for changes in the rate according to operation of an index that is not under the control of the creditor and is available to the general public;

''(3) an increase due to the completion of a workout or temporary hardship arrangement by the obligor or the failure of the obligor to comply with the terms of a workout or temporary hardship arrangement, provided that—

''(A) the annual percentage rate, fee, or finance charge applicable to a category of transactions following any such increase does not exceed the rate, fee, or finance charge that applied to that category of transactions prior to commencement of the arrangement; and

''(B) the creditor has provided the obligor, prior to the commencement of such arrangement, with clear and conspicuous disclosure of the terms of the arrangement (including any increases due to such completion or failure); or

''(4) an increase due solely to the fact that a minimum payment by the obligor has not been received by the creditor within 60 days after the due date for such payment, provided that the creditor shall—

''(A) include, together with the notice of such increase required under section 127(i), a clear and conspicuous written statement of the reason for the increase and that the increase will terminate not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments on time from the obligor during that period; and

''(B) terminate such increase not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments on time during that period.

''(c) REPAYMENT OF OUTSTANDING BALANCE.—

''(1) IN GENERAL.—The creditor shall not change the terms governing the repayment of any outstanding balance, except that the creditor may provide the obligor with one of the methods described in paragraph (2) of repaying any outstanding balance, or a method that is no less beneficial to the obligor than one of those methods.

''(2) METHODS.—The methods described in this paragraph are—

''(A) an amortization period of not less than 5 years, beginning on the effective date of the increase set forth in the notice required under section 127(i); or

''(B) a required minimum periodic payment that includes a percentage of the outstanding balance that is equal to not more than twice the percentage required before the effective date of the increase set forth in the notice required under section 127(i).

''(d) OUTSTANDING BALANCE DEFINED.—For purposes of this section, the term 'outstanding balance' means the amount owed on a credit card account under an open end consumer credit plan as of the end of the 14th day after the date on which the creditor provides notice of an increase in the annual percentage rate, fee, or finance charge in accordance with section 127(i).''.

(c) INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended by adding at the end the following:

''SEC. 148. INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.

''(a) IN GENERAL.—If a creditor increases the annual percentage rate applicable to a credit card account under an open end consumer credit plan, based on factors including the credit risk of the obligor, market conditions, or other

factors, the creditor shall consider changes in such factors in subsequently determining whether to reduce the annual percentage rate for such obligor.

''(b) REQUIREMENTS.—With respect to any credit card account under an open end consumer credit plan, the creditor shall—

''(1) maintain reasonable methodologies for assessing the factors described in subsection (a);

''(2) not less frequently than once every 6 months, review accounts as to which the annual percentage rate has been increased since January 1, 2009, to assess whether such factors have changed (including whether any risk has declined);

''(3) reduce the annual percentage rate previously increased when a reduction is indicated by the review; and

''(4) in the event of an increase in the annual percentage rate, provide in the written notice required under section 127(i) a statement of the reasons for the increase.

''(c) RULE OF CONSTRUCTION.—This section shall not be construed to require a reduction in any specific amount.

''(d) RULEMAKING.—The Board shall issue final rules not later than 9 months after the date of enactment of this section to implement the requirements of and evaluate compliance with this section, and subsections (a), (b), and (c) shall become effective 15 months after that date of enactment.''.

(d) INTRODUCTORY AND PROMOTIONAL RATES.—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended by inserting after section 171, as amended by this Act, the following:

''SEC. 172. ADDITIONAL LIMITS ON INTEREST RATE INCREASES.

''(a) LIMITATION ON INCREASES WITHIN FIRST YEAR.—Except in the case of an increase described in paragraph (1), (2), (3), or (4) of section 171(b), no increase in any annual percentage rate, fee, or finance charge on any credit card account under an open end consumer credit plan shall be effective before the end of the 1-year period beginning on the date on which the account is opened.

''(b) PROMOTIONAL RATE MINIMUM TERM.—No increase in any annual percentage rate applicable to a credit card account under an open end consumer credit plan that is a promotional rate (as that term is defined by the Board) shall be effective before the end of the 6-month period beginning on the date on which the promotional rate takes effect, subject to such reasonable exceptions as the Board may establish, by rule.''.

(e) CLERICAL AMENDMENT.—The table of sections for chapter 4 of the Truth in Lending Act is amended by striking the item relating to section 171 and inserting the following:

''171. Limits on interest rate, fee, and finance charge increases applicable to outstanding balances.
''172. Additional limits on interest rate increases.
''173. Applicability of State laws.''.

SEC. 102. LIMITS ON FEES AND INTEREST CHARGES.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(j) PROHIBITION ON PENALTIES FOR ON-TIME PAYMENTS.—

''(1) PROHIBITION ON DOUBLE-CYCLE BILLING AND PENALTIES FOR ON-TIME PAYMENTS.—Except as provided in paragraph (2), a creditor may not impose any finance charge on a credit card account under an open end consumer credit plan as a result of the loss of any time period provided by the creditor within which the obligor may repay any portion of the credit extended without incurring a finance charge, with respect to—

''(A) any balances for days in billing cycles that precede the most recent billing cycle; or

''(B) any balances or portions thereof in the current billing cycle that were repaid within such time period.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to—

''(A) any adjustment to a finance charge as a result of the resolution of a dispute; or

''(B) any adjustment to a finance charge as a result of the return of a payment for insufficient funds.

''(k) OPT-IN REQUIRED FOR OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.—

''(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan under which an over-the-limit fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, no such fee shall be charged, unless the consumer has expressly elected to permit the creditor, with respect to such account, to complete transactions involving the extension of credit under such account in excess of the amount of credit authorized.

''(2) DISCLOSURE BY CREDITOR.—No election by a consumer under paragraph (1) shall take effect unless the consumer, before making such election, received a notice from the creditor of any over-the-limit fee in the form and manner, and at the time, determined by the Board. If the consumer makes the election referred to in paragraph (1), the creditor shall provide notice to the consumer of the right to revoke the election, in the form prescribed by the Board, in any periodic statement that includes notice of the imposition of an over-the-limit fee during the period covered by the statement.

''(3) FORM OF ELECTION.—A consumer may make or revoke the election referred to in paragraph (1) orally, electronically, or in writing, pursuant to regulations prescribed by the Board. The Board shall prescribe regulations to ensure that the same options are available for both making and revoking such election.

''(4) TIME OF ELECTION.—A consumer may make the election referred to in paragraph (1) at any time, and such election shall be effective until the election is revoked in the manner prescribed under paragraph (3).

''(5) REGULATIONS.—The Board shall prescribe regulations—

''(A) governing disclosures under this subsection; and

''(B) that prevent unfair or deceptive acts or practices in connection with the manipulation of credit limits designed to increase over-the-limit fees or other penalty fees.

''(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a creditor from completing an over-the-limit transaction, provided that a consumer who has not made a valid election under paragraph (1) is not charged an over-the-limit fee for such transaction.

''(7) RESTRICTION ON FEES CHARGED FOR AN OVER-THE-LIMIT TRANSACTION.—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee may be imposed only once during a billing cycle if the credit limit on the account is exceeded, and an over-the-limit fee, with respect to such excess credit, may be imposed only once in each of the 2 subsequent billing cycles, unless the consumer has obtained an additional extension of credit in excess of such credit limit during any such subsequent cycle or the consumer reduces the outstanding balance below the credit limit as of the end of such billing cycle.

''(l) LIMIT ON FEES RELATED TO METHOD OF PAYMENT.—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge, whether such repayment is made by mail, electronic transfer, telephone authorization, or other means, unless such payment involves an expedited service by a service representative of the creditor.''.

(b) REASONABLE PENALTY FEES.—

(1) IN GENERAL.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 149. REASONABLE PENALTY FEES ON OPEN END CONSUMER CREDIT PLANS.

''(a) IN GENERAL.—The amount of any penalty fee or charge that a card issuer may impose with respect to a credit card account under an open end consumer credit plan in connection with any omission with respect to, or violation of, the cardholder agreement, including any late payment fee, over-the-limit fee, or any other penalty fee or charge, shall be reasonable and proportional to such omission or violation.

''(b) RULEMAKING REQUIRED.—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, shall issue final rules not later than 9 months after the date of enactment of this section, to establish standards for assessing whether the amount of any penalty fee or charge described under subsection (a) is reasonable and proportional to the omission or violation to which the fee or charge relates. Subsection (a) shall become effective 15 months after the date of enactment of this section.

''(c) CONSIDERATIONS.—In issuing rules required by this section, the Board shall consider—

''(1) the cost incurred by the creditor from such omission or violation;

''(2) the deterrence of such omission or violation by the cardholder;

''(3) the conduct of the cardholder; and

''(4) such other factors as the Board may deem necessary or appropriate.

''(d) DIFFERENTIATION PERMITTED.—In issuing rules required by this subsection, the Board may establish different standards for different types of fees and charges, as appropriate.

''(e) SAFE HARBOR RULE AUTHORIZED.—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, may issue rules to provide an amount for any penalty fee or charge described under subsection (a) that is presumed to be reasonable and proportional to the omission or violation to which the fee or charge relates.''.

(2) CLERICAL AMENDMENTS.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended—

*(A) in the chapter heading, by inserting ''**AND LIMITS ON CREDIT CARD FEES**'' after ''**ADVERTISING**''; and*

(B) in the table of sections for the chapter, by adding at the end the following:

''148. Interest rate reduction on open end consumer credit plans.
''149. Reasonable penalty fees on open end consumer credit plans.''.

SEC. 103. USE OF TERMS CLARIFIED.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(m) USE OF TERM 'FIXED RATE'.—With respect to the terms of any credit card account under an open end consumer credit plan, the term 'fixed', when appearing in conjunction with a reference to the annual percentage rate or interest rate applicable with respect to such account, may only be used to refer to an annual percentage rate or interest rate that will not change or vary for any reason over the period specified clearly and conspicuously in the terms of the account.''.

SEC. 104. APPLICATION OF CARD PAYMENTS.

Section 164 of the Truth in Lending Act (15 U.S.C. 1666c) is amended—

(1) by striking the section heading and all that follows through ''Payments'' and inserting the following:

''§ 164. Prompt and fair crediting of payments

''(a) IN GENERAL.—Payments'';

(2) by inserting '', *by 5:00 p.m. on the date on which such payment is due,'' after ''in readily identifiable form'';*

(3) by striking ''manner, location, and time'' and inserting ''manner, and location''; and

(4) by adding at the end the following:

''(b) APPLICATION OF PAYMENTS.—

''(1) IN GENERAL.—Upon receipt of a payment from a cardholder, the card issuer shall apply amounts in excess of the minimum payment amount first to the card balance bearing the highest rate of interest, and then to each successive balance bearing the next highest rate of interest, until the payment is exhausted.

''(2) CLARIFICATION RELATING TO CERTAIN DEFERRED INTEREST ARRANGEMENTS.—A creditor shall allocate the entire amount paid by the consumer in excess of the minimum payment amount to a balance on which interest is deferred during the last 2 billing cycles immediately preceding the expiration of the period during which interest is deferred.

''(c) CHANGES BY CARD ISSUER.—If a card issuer makes a material change in the mailing address, office, or procedures for handling cardholder payments, and such change causes a material delay in the crediting of a cardholder payment made during the 60-day period following the date on which such change took effect, the card issuer may not impose any late fee or finance charge for a late payment on the credit card account to which such payment was credited.''.

SEC. 105. STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR ''FEE HARVESTER'' CARDS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as amended by this Act, is amended by adding at the end the following new subsection:

''(n) STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR 'FEE HARVESTER' CARDS.—

''(1) IN GENERAL.—If the terms of a credit card account under an open end consumer credit plan require the payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) by the consumer in the first year during which the account is opened in an aggregate amount in excess of 25 percent of the total amount of credit authorized under the account when the account is opened, no payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) may be made from the credit made available under the terms of the account.

''(2) RULE OF CONSTRUCTION.—No provision of this subsection may be construed as authorizing any imposition or payment of advance fees otherwise prohibited by any provision of law.''.

SEC. 106. RULES REGARDING PERIODIC STATEMENTS.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(o) DUE DATES FOR CREDIT CARD ACCOUNTS.—

''(1) IN GENERAL.—The payment due date for a credit card account under an open end consumer credit plan shall be the same day each month.

''(2) WEEKEND OR HOLIDAY DUE DATES.—If the payment due date for a credit card account under an open end consumer credit plan is a day on which the creditor does not receive or accept payments by mail (including weekends and holidays), the creditor may not treat a payment received on the next business day as late for any purpose.''.

(b) LENGTH OF BILLING PERIOD.—

(1) IN GENERAL.—Section 163 of the Truth in Lending Act (15 U.S.C. 1666b) is amended to read as follows:

''SEC. 163. TIMING OF PAYMENTS.

''(a) TIME TO MAKE PAYMENTS.—A creditor may not treat a payment on an open end consumer credit plan as late for any purpose, unless the creditor has adopted reasonable procedures designed to ensure that each periodic statement including the information required by section 127(b) is mailed or delivered to the consumer not later than 21 days before the payment due date.

''(b) GRACE PERIOD.—If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an additional finance charge, such additional finance charge may not be imposed with respect to such portion of the credit extended for the billing cycle of which such period is a part, unless a statement which includes the amount upon which the finance charge for the period is based was mailed or delivered to the consumer not later than 21 days before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.''.

(2) EFFECTIVE DATE.—Notwithstanding section 3, section 163 of the Truth in Lending Act, as amended by this subsection, shall become effective 90 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 4 of the Truth in Lending Act is amended—

(1) by striking the item relating to section 163 and inserting the following:

''163. Timing of payments.''; and

(2) by striking the item relating to section 171 and inserting the following:

''171. Universal defaults prohibited.
''172. Unilateral changes in credit card agreement prohibited.
''173. Applicability of State laws.''.

SEC. 107. ENHANCED PENALTIES.

Section 130(a)(2)(A) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)(A)) is amended by striking ''or (iii) in the'' and inserting the following: ''(iii) in the case of an individual action relating to an open end consumer credit plan that is not secured by real property or a dwelling, twice the amount of any finance charge in connection with the transaction, with a minimum of $500 and a maximum of $5,000, or such higher amount as may be appropriate in the case of an established pattern or practice of such failures; or (iv) in the''.

SEC. 108. CLERICAL AMENDMENTS.

Section 103(i) of the Truth in Lending Act (15 U.S.C. 1602(i)) is amended—

(1) by striking ''term'' and all that follows through ''means'' and inserting the following: ''terms 'open end credit plan' and 'open end consumer credit plan' mean''; and

(2) in the second sentence, by inserting ''or open end consumer credit plan'' after ''credit plan'' each place that term appears.

SEC. 109. CONSIDERATION OF ABILITY TO REPAY.

(a) IN GENERAL.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1666 et seq.), as amended by this title, is amended by adding at the end the following:

''SEC. 150. CONSIDERATION OF ABILITY TO REPAY.

''A card issuer may not open any credit card account for any consumer under an open end consumer credit plan, or increase any credit limit applicable to such account, unless the card issuer considers the ability of the consumer to make the required payments under the terms of such account.''.

(b) CLERICAL AMENDMENT.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended in the table of sections for the chapter, by adding at the end the following:

''150. Consideration of ability to repay.''.

TITLE II—ENHANCED CONSUMER DISCLOSURES

SEC. 201. PAYOFF TIMING DISCLOSURES.

(a) IN GENERAL.—Section 127(b)(11) of the Truth in Lending Act (15 U.S.C. 1637(b)(11)) is amended to read as follows:

''(11)(A) A written statement in the following form: 'Minimum Payment Warning: Making only the minimum payment will increase the amount of interest you pay and the time it takes to repay your balance.', or such similar statement as is established by the Board pursuant to consumer testing.

''(B) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

''(i) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

''(ii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made;

''(iii) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months, if no further advances are made, and the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays the balance over 36 months; and

''(iv) a toll-free telephone number at which the consumer may receive information about accessing credit counseling and debt management services.

''(C)(i) Subject to clause (ii), in making the disclosures under subparagraph (B), the creditor shall apply the interest rate or rates in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

''(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.

''(D) All of the information described in subparagraph (B) shall—

''(i) be disclosed in the form and manner which the Board shall prescribe, by regulation, and in a manner that avoids duplication; and

''(ii) be placed in a conspicuous and prominent location on the billing statement.

''(E) In the regulations prescribed under subparagraph (D), the Board shall require that the disclosure of such information shall be in the form of a table that—

''(i) contains clear and concise headings for each item of such information; and

''(ii) provides a clear and concise form stating each item of information required to be disclosed under each such heading.

''(F) In prescribing the form of the table under subparagraph (E), the Board shall require that—

''(i) all of the information in the table, and not just a reference to the table, be placed on the billing statement, as required by this paragraph; and

''(ii) the items required to be included in the table shall be listed in the order in which such items are set forth in subparagraph (B).

''(G) In prescribing the form of the table under subparagraph (D), the Board shall employ terminology which is different than the terminology which is employed in subparagraph (B), if such terminology is more easily understood and conveys substantially the same meaning.''.

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: ''In connection with the disclosures referred to in subsections (a) and (b) of section 127, a creditor

shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), or any of paragraphs (4) through (13) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), or any of paragraphs (4) through (13) of section 127(b).''.

(c) GUIDELINES REQUIRED.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Board shall issue guidelines, by rule, in consultation with the Secretary of the Treasury, for the establishment and maintenance by creditors of a toll-free telephone number for purposes of providing information about accessing credit counseling and debt management services, as required under section 127(b)(11)(B)(iv) of the Truth in Lending Act, as added by this section.

(2) APPROVED AGENCIES.—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number referred to in paragraph (1) include only those nonprofit budget and credit counseling agencies approved by a United States bankruptcy trustee pursuant to section 111(a) of title 11, United States Code.

SEC. 202. REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.

Section 127(b)(12) of the Truth in Lending Act (15 U.S.C. 1637(b)(12)) is amended to read as follows:

''(12) REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.—

''(A) LATE PAYMENT DEADLINE REQUIRED TO BE DISCLOSED.—In the case of a credit card account under an open end consumer credit plan under which a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment, the periodic statement required under subsection (b) with respect to the account shall include, in a conspicuous location on the billing statement, the date on which the payment is due or, if different, the date on which a late payment fee will be charged, together with the amount of the fee or charge to be imposed if payment is made after that date.

''(B) DISCLOSURE OF INCREASE IN INTEREST RATES FOR LATE PAYMENTS.—If 1 or more late payments under an open end consumer credit plan may result in an increase in the annual percentage rate applicable to the account, the statement required under subsection (b) with respect to the account shall include conspicuous notice of such fact, together with the applicable penalty annual percentage rate, in close proximity to the disclosure required under subparagraph (A) of the date on which payment is due under the terms of the account.

''(C) PAYMENTS AT LOCAL BRANCHES.—If the creditor, in the case of a credit card account referred to in subparagraph (A), is a financial institution which maintains branches or offices at which payments on any such account are accepted from the obligor in person, the date on which the obligor makes a payment on the account at such branch or office shall be considered to be the date on which the payment is made for purposes of determining whether a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment.''.

SEC. 203. RENEWAL DISCLOSURES.

Section 127(d) of the Truth in Lending Act (15 U.S.C. 1637(d)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (1), by striking ''Except as provided in paragraph (2), a card issuer'' and inserting the following: ''A card issuer that has changed or amended any term of the account since the last renewal that has not been previously disclosed or''.

SEC. 204. INTERNET POSTING OF CREDIT CARD AGREEMENTS.

(a) IN GENERAL.—Section 122 of the Truth and Lending Act (15 U.S.C. 1632) is amended by adding at the end the following new subsection:

''(d) ADDITIONAL ELECTRONIC DISCLOSURES.—

''(1) POSTING AGREEMENTS.—Each creditor shall establish and maintain an Internet site on which the creditor shall post the written agreement between the creditor and the consumer for each credit card account under an open-end consumer credit plan.

''(2) CREDITOR TO PROVIDE CONTRACTS TO THE BOARD.—Each creditor shall provide to the Board, in electronic format, the consumer credit card agreements that it publishes on its Internet site.

''(3) RECORD REPOSITORY.—The Board shall establish and maintain on its publicly available Internet site a central repository of the consumer credit card agreements received from creditors pursuant to this subsection, and such agreements shall be easily accessible and retrievable by the public.

''(4) EXCEPTION.—This subsection shall not apply to individually negotiated changes to contractual terms, such as individually modified workouts or renegotiations of amounts owed by a consumer under an open end consumer credit plan.

''(5) REGULATIONS.—The Board, in consultation with the other Federal banking agencies (as that term is defined in section 603) and the Federal Trade Commission, may promulgate regulations to implement this subsection, including specifying the format for posting the agreements on the Internet sites of creditors and establishing exceptions to paragraphs (1) and (2), in any case in which the administrative burden outweighs the benefit of increased transparency, such as where a credit card plan has a de minimis number of consumer account holders.''.

SEC. 205. PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.

(a) PREVENTING DECEPTIVE MARKETING.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by adding at the end the following:

''(g) PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.—

''(1) IN GENERAL.—Subject to rulemaking pursuant to section 205(b) of the Credit CARD Act of 2009, any advertisement for a free credit report in any medium shall prominently disclose in such advertisement that free credit reports are available under Federal law at: 'AnnualCreditReport.com' (or such other source as may be authorized under Federal law).

''(2) TELEVISION AND RADIO ADVERTISEMENT.—In the case of an advertisement broadcast by television, the disclosures required under paragraph (1) shall be included in the audio and visual part of such advertisement. In the case of an advertisement broadcast by televison or radio, the disclosure required under paragraph (1) shall consist only of the following: 'This is not the free credit report provided for by Federal law'.''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Federal Trade Commission shall issue a final rule to carry out this section.

(2) CONTENT.—The rule required by this subsection—

(A) shall include specific wording to be used in advertisements in accordance with this section; and

(B) for advertisements on the Internet, shall include whether the disclosure required under section 612(g)(1) of the Fair Credit Reporting Act (as added by this section) shall appear on the advertisement or the website on which the free credit report is made available.

(3) INTERIM DISCLOSURES.—If an advertisement subject to section 612(g) of the Fair Credit Reporting Act, as added by this section, is made public after the 9-month deadline specified in paragraph (1), but before the rule required by paragraph (1) is finalized, such advertisement shall include the disclosure: ''Free credit reports are available under Federal law at: 'AnnualCreditReport.com'.''.

TITLE III—PROTECTION OF YOUNG CONSUMERS

SEC. 301. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(8) APPLICATIONS FROM UNDERAGE CONSUMERS.—

''(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end consumer credit plan established by or on behalf of, a consumer who has not attained the age of 21, unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

''(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by a consumer who has not attained the age of 21 as of the date of submission of the application shall require—

''(i) the signature of a cosigner, including the parent, legal guardian, spouse, or any other individual who has attained the age of 21 having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21; or

''(ii) submission by the consumer of financial information, including through an application, indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.

''(C) SAFE HARBOR.—The Board shall promulgate regulations providing standards that, if met, would satisfy the requirements of subparagraph (B)(ii).''.

SEC. 302. PROTECTION OF YOUNG CONSUMERS FROM PRESCREENED CREDIT OFFERS.

Section 604(c)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681b(c)(1)(B)) is amended—

(1) in clause (ii), by striking ''and'' at the end; and

(2) in clause (iii), by striking the period at the end and inserting the following: ''; and

''(iv) the consumer report does not contain a date of birth that shows that the consumer has not attained the age of 21, or, if the date of birth on the consumer report shows that the consumer has not attained the age of 21, such consumer consents to the consumer reporting agency to such furnishing.''.

SEC. 303. ISSUANCE OF CREDIT CARDS TO CERTAIN COLLEGE STUDENTS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following new subsection:

''(p) PARENTAL APPROVAL REQUIRED TO INCREASE CREDIT LINES FOR ACCOUNTS FOR WHICH PARENT IS JOINTLY LIABLE.—No increase may be made in the amount of credit authorized to be extended under a credit card account for which a parent, legal guardian, or spouse of the consumer, or any other individual has assumed joint liability for debts incurred by the consumer in connection with the account before the consumer attains the age of 21, unless that parent, guardian, or spouse approves in writing, and assumes joint liability for, such increase.''.

SEC. 304. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

''(f) CREDIT CARD PROTECTIONS FOR COLLEGE STUDENTS.—

''(1) DISCLOSURE REQUIRED.—An institution of higher education shall publicly disclose any contract or other agreement made with a card issuer or creditor for the purpose of marketing a credit card.

''(2) INDUCEMENTS PROHIBITED.—No card issuer or creditor may offer to a student at an institution of higher education any tangible item to induce such student to apply for or participate in an open end consumer credit plan offered by such card issuer or creditor, if such offer is made—

''(A) on the campus of an institution of higher education;

''(B) near the campus of an institution of higher education, as determined by rule of the Board; or

''(C) at an event sponsored by or related to an institution of higher education.

''(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each institution of higher education should consider adopting the following policies relating to credit cards:

''(A) That any card issuer that markets a credit card on the campus of such institution notify the institution of the location at which such marketing will take place.

''(B) That the number of locations on the campus of such institution at which the marketing of credit cards takes place be limited.

''(C) That credit card and debt education and counseling sessions be offered as a regular part of any orientation program for new students of such institution.''.

SEC. 305. COLLEGE CREDIT CARD AGREEMENTS.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as otherwise amended by this Act, is amended by adding at the end the following:

''(r) COLLEGE CARD AGREEMENTS.—

''(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) COLLEGE AFFINITY CARD.—The term 'college affinity card' means a credit card issued by a credit card issuer under an open end consumer credit plan in conjunction with an agreement between the issuer and an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, under which such cards are issued to college students who have an affinity with such institution, organization and—

''(i) the creditor has agreed to donate a portion of the proceeds of the credit card to the institution, organization, or foundation (including a lump sum or 1-time payment of money for access);

''(ii) the creditor has agreed to offer discounted terms to the consumer; or

''(iii) the credit card bears the name, emblem, mascot, or logo of such institution, organization, or foundation, or other words, pictures, or symbols readily identified with such institution, organization, or foundation.

''(B) COLLEGE STUDENT CREDIT CARD ACCOUNT.—The term 'college student credit card account' means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

''(C) COLLEGE STUDENT.—The term 'college student' means an individual who is a full-time or a part-time student attending an institution of higher education.

''(D) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002).

''(2) REPORTS BY CREDITORS.—

''(A) IN GENERAL.—Each creditor shall submit an annual report to the Board containing the terms and conditions of all business, marketing, and promotional agreements and college affinity card agreements with an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, with respect to any college student credit card issued to a college student at such institution.

''(B) DETAILS OF REPORT.—The information required to be reported under subparagraph (A) includes—

''(i) any memorandum of understanding between or among a creditor, an institution of higher education, an alumni association, or foundation that directly or indirectly relates to any aspect of any agreement referred to in such subparagraph or controls or directs any obligations or distribution of benefits between or among any such entities;

''(ii) the amount of any payments from the creditor to the institution, organization, or foundation during the period covered by the report, and the precise terms of any agreement under which such amounts are determined; and

''(iii) the number of credit card accounts covered by any such agreement that were opened during the period covered by the report, and the total number of credit card accounts covered by the agreement that were outstanding at the end of such period.

''(C) AGGREGATION BY INSTITUTION.—The information required to be reported under subparagraph (A) shall be aggregated with respect to each institution of higher education or alumni organization or foundation affiliated with or related to such institution.

''(D) INITIAL REPORT.—The initial report required under subparagraph (A) shall be submitted to the Board before the end of the 9-month period beginning on the date of enactment of this subsection.

''(3) REPORTS BY BOARD.—The Board shall submit to the Congress, and make available to the public, an annual report that lists the information concerning credit card agreements submitted to the Board under paragraph (2) by each institution of higher education, alumni organization, or foundation.''.

(b) STUDY AND REPORT BY THE COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General of the United States shall, from time to time, review the reports submitted by creditors under section 127(r) of the Truth in Lending Act, as added by this section, and the marketing practices of creditors to determine the impact that college affinity card agreements and college student card agreements have on credit card debt.

(2) REPORT.—Upon completion of any study under paragraph (1), the Comptroller General shall periodically submit a report to the Congress on the findings and conclusions of the study, together with such recommendations for administrative or legislative action as the Comptroller General determines to be appropriate.

TITLE IV—GIFT CARDS

SEC. 401. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 915 through 921 as sections 916 through 922, respectively; and

(2) by inserting after section 914 the following:

''SEC. 915. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) DORMANCY FEE; INACTIVITY CHARGE OR FEE.—The terms 'dormancy fee' and 'inactivity charge or fee' mean a fee, charge, or penalty for non-use or inactivity of a gift certificate, store gift card, or general-use prepaid card.

''(2) GENERAL USE PREPAID CARD, GIFT CERTIFICATE, AND STORE GIFT CARD.—

''(A) GENERAL-USE PREPAID CARD.—The term 'general-use prepaid card' means a card or other payment code or device issued by any person that is—

''(i) redeemable at multiple, unaffiliated merchants or service providers, or automated teller machines;

''(ii) issued in a requested amount, whether or not that amount may, at the option of the issuer, be increased in value or reloaded if requested by the holder;

''(iii) purchased or loaded on a prepaid basis; and

''(iv) honored, upon presentation, by merchants for goods or services, or at automated teller machines.

''(B) GIFT CERTIFICATE.—The term 'gift certificate' means an electronic promise that is—

''(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

''(ii) issued in a specified amount that may not be increased or reloaded;

''(iii) purchased on a prepaid basis in exchange for payment; and

''(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

''(C) STORE GIFT CARD.—The term 'store gift card' means an electronic promise, plastic card, or other payment code or device that is—

''(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

''(ii) issued in a specified amount, whether or not that amount may be increased in value or reloaded at the request of the holder;

''(iii) purchased on a prepaid basis in exchange for payment; and

''(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

''(D) EXCLUSIONS.—The terms 'general-use prepaid card', 'gift certificate', and 'store gift card' do not include an electronic promise, plastic card, or payment code or device that is—

''(i) used solely for telephone services;

''(ii) reloadable and not marketed or labeled as a gift card or gift certificate;

''(iii) a loyalty, award, or promotional gift card, as defined by the Board;

''(iv) not marketed to the general public;

''(v) issued in paper form only (including for tickets and events); or

''(vi) redeemable solely for admission to events or venues at a particular location or group of affiliated locations, which may also include services or goods obtainable—

''(I) at the event or venue after admission; or

''(II) in conjunction with admission to such events or venues, at specific locations affiliated with and in geographic proximity to the event or venue.

''(3) SERVICE FEE.—

''(A) IN GENERAL.—The term 'service fee' means a periodic fee, charge, or penalty for holding or use of a gift certificate, store gift card, or general-use prepaid card.

''(B) EXCLUSION.—With respect to a general-use prepaid card, the term 'service fee' does not include a one-time initial issuance fee.

''(b) PROHIBITION ON IMPOSITION OF FEES OR CHARGES.—

''(1) IN GENERAL.—Except as provided under paragraphs (2) through (4), it shall be unlawful for any person to impose a dormancy fee, an inactivity charge or fee, or a service fee with respect to a gift certificate, store gift card, or general-use prepaid card.

''(2) EXCEPTIONS.—A dormancy fee, inactivity charge or fee, or service fee may be charged with respect to a gift certificate, store gift card, or general-use prepaid card, if—

''(A) there has been no activity with respect to the certificate or card in the 12-month period ending on the date on which the charge or fee is imposed;

''(B) the disclosure requirements of paragraph (3) have been met;

''(C) not more than one fee may be charged in any given month; and

''(D) any additional requirements that the Board may establish through rulemaking under subsection (d) have been met.

''(3) DISCLOSURE REQUIREMENTS.—The disclosure requirements of this paragraph are met if—

''(A) the gift certificate, store gift card, or general-use prepaid card clearly and conspicuously states—

''(i) that a dormancy fee, inactivity charge or fee, or service fee may be charged;

''(ii) the amount of such fee or charge;

''(iii) how often such fee or charge may be assessed; and

''(iv) that such fee or charge may be assessed for inactivity; and

''(B) the issuer or vendor of such certificate or card informs the purchaser of such charge or fee before such certificate or card is purchased, regardless of whether the certificate or card is purchased in person, over the Internet, or by telephone.

''(4) EXCLUSION.—The prohibition under paragraph (1) shall not apply to any gift certificate—

''(A) that is distributed pursuant to an award, loyalty, or promotional program, as defined by the Board; and

''(B) with respect to which, there is no money or other value exchanged.

''(c) PROHIBITION ON SALE OF GIFT CARDS WITH EXPIRATION DATES.—

''(1) IN GENERAL.—Except as provided under paragraph (2), it shall be unlawful for any person to sell or issue a gift certificate, store gift card, or general-use prepaid card that is subject to an expiration date.

''(2) EXCEPTIONS.—A gift certificate, store gift card, or general-use prepaid card may contain an expiration date if—

''(A) the expiration date is not earlier than 5 years after the date on which the gift certificate was issued, or the date on which card funds were last loaded to a store gift card or general-use prepaid card; and

''(B) the terms of expiration are clearly and conspicuously stated.

''(d) ADDITIONAL RULEMAKING.—

''(1) IN GENERAL.—The Board shall—

''(A) prescribe regulations to carry out this section, in addition to any other rules or regulations required by this title, including such additional requirements as appropriate relating to the amount of dormancy fees, inactivity charges or fees, or service fees that may be assessed and the amount of remaining value of a gift certificate, store gift card, or general-use prepaid card below which such charges or fees may be assessed; and

''(B) shall determine the extent to which the individual definitions and provisions of the Electronic Fund Transfer Act or Regulation E should apply to general-use prepaid cards, gift certificates, and store gift cards.

''(2) CONSULTATION.—In prescribing regulations under this subsection, the Board shall consult with the Federal Trade Commission.

''(3) TIMING; EFFECTIVE DATE.—The regulations required by this subsection shall be issued in final form not later than 9 months after the date of enactment of the Credit CARD Act of 2009.''.

SEC. 402. RELATION TO STATE LAWS.

Section 920 of the Electronic Fund Transfer Act (as redesignated by this title) is amended by inserting ''dormancy fees, inactivity charges or fees, service fees, or expiration dates of gift certificates, store gift cards, or general-use prepaid cards,'' after ''electronic fund transfers,''.

SEC. 403. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective 15 months after the date of enactment of this Act.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. STUDY AND REPORT ON INTERCHANGE FEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States (in this section referred to as the ''Comptroller'') shall conduct a study on use of credit by consumers, interchange fees, and their effects on consumers and merchants.

(b) SUBJECTS FOR REVIEW.—In conducting the study required by this section, the Comptroller shall review—

(1) the extent to which interchange fees are required to be disclosed to consumers and merchants, whether merchants are restricted from disclosing interchange or merchant discount fees, and how such fees are overseen by the Federal banking agencies or other regulators;

(2) the ways in which the interchange system affects the ability of merchants of varying size to negotiate pricing with card associations and banks;

(3) the costs and factors incorporated into interchange fees, such as advertising, bonus miles, and rewards, how such costs and factors vary among cards;

(4) the consequences of the undisclosed nature of interchange fees on merchants and consumers with regard to prices charged for goods and services;

(5) how merchant discount fees compare to the credit losses and other costs that merchants incur to operate their own credit networks or store cards;

(6) the extent to which the rules of payment card networks and their policies regarding interchange fees are accessible to merchants;

(7) other jurisdictions where the central bank has regulated interchange fees and the impact on retail prices to consumers in such jurisdictions;

(8) whether and to what extent merchants are permitted to discount for cash; and

(9) the extent to which interchange fees allow smaller financial institutions and credit unions to offer payment cards and compete against larger financial institutions.

(c) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a detailed summary of the findings and conclusions of the study required by this section, together with such recommendations for legislative or administrative actions as may be appropriate.

SEC. 502. BOARD REVIEW OF CONSUMER CREDIT PLANS AND REGULATIONS.

(a) REQUIRED REVIEW.—Not later than 2 years after the effective date of this Act and every 2 years thereafter, except as provided in subsection (c)(2), the Board shall conduct a review, within the limits of its existing resources available for reporting purposes, of the consumer credit card market, including—

(1) the terms of credit card agreements and the practices of credit card issuers;

(2) the effectiveness of disclosure of terms, fees, and other expenses of credit card plans;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans; and

(4) whether or not, and to what extent, the implementation of this Act and the amendments made by this Act has affected—

(A) cost and availability of credit, particularly with respect to non-prime borrowers;

(B) the safety and soundness of credit card issuers;

(C) the use of risk-based pricing; or

(D) credit card product innovation.

(b) SOLICITATION OF PUBLIC COMMENT.—In connection with conducting the review required by subsection (a), the Board shall solicit comment from consumers, credit card issuers, and other interested parties, such as through hearings or written comments.

(c) REGULATIONS.—

(1) NOTICE.—Following the review required by subsection (a), the Board shall publish a notice in the Federal Register that—

(A) summarizes the review, the comments received from the public solicitation, and other evidence gathered by the Board, such as through consumer testing or other research; and

(B) either—

(i) proposes new or revised regulations or interpretations to update or revise disclosures and protections for consumer credit cards, as appropriate; or

(ii) states the reason for the determination of the Board that new or revised regulations are not necessary.

(2) REVISION OF REVIEW PERIOD FOLLOWING MATERIAL REVISION OF REGULATIONS.—In the event that the Board materially revises regulations on consumer credit card plans, a review need not be conducted until 2 years after the effective date of the revised regulations, which thereafter shall be treated as the new date for the biennial review required by subsection (a).

(d) BOARD REPORT TO THE CONGRESS.—The Board shall report to Congress not less frequently than every 2 years, except as provided in subsection (c)(2), on the status of its most recent review, its efforts to address any issues identified from the review, and any recommendations for legislation.

(e) ADDITIONAL REPORTING.—The Federal banking agencies (as that term is defined in section 3 of the Federal Deposit Insurance Act) and the Federal Trade Commission shall provide annually to the Board, and the Board shall include in its annual report to Congress under section 10 of the Federal Reserve Act, information about the supervisory and enforcement activities of the agencies with respect to compliance by credit card issuers with applicable Federal consumer protection statutes and regulations, including—

(1) this Act, the amendments made by this Act, and regulations prescribed under this Act and such amendments; and

(2) section 5 of the Federal Trade Commission Act, and regulations prescribed under the Federal Trade Commission Act, including part 227 of title 12 of the Code of Federal Regulations, as prescribed by the Board (referred to as ''Regulation AA'').

SEC. 503. STORED VALUE.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Homeland Security, shall issue regulations in final form implementing the Bank Secrecy Act, regarding the sale, issuance, redemption, or international transport of stored value, including stored value cards.

(b) CONSIDERATION OF INTERNATIONAL TRANSPORT.—Regulations under this section regarding international transport of stored value may include reporting requirements pursuant to section 5316 of title 31, United States Code.

(c) EMERGING METHODS FOR TRANSMITTAL AND STORAGE IN ELECTRONIC FORM.—Regulations under this section shall take into consideration current and future needs and methodologies for transmitting and storing value in electronic form.

SEC. 504. PROCEDURE FOR TIMELY SETTLEMENT OF ESTATES OF DECEDENT OBLIGORS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

''§ 140A Procedure for timely settlement of estates of decedent obligors

''The Board, in consultation with the Federal Trade Commission and each other agency referred to in section 108(a), shall prescribe regulations to require any creditor, with respect to any credit card account under an open end consumer credit plan, to establish procedures to ensure that any administrator of an estate of any deceased obligor with respect to such account can resolve outstanding credit balances in a timely manner.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 140 the following new item:

''140A. Procedure for timely settlement of estates of decedent obligors''.''.

SEC. 505. REPORT TO CONGRESS ON REDUCTIONS OF CONSUMER CREDIT CARD LIMITS BASED ON CERTAIN INFORMATION AS TO EXPERIENCE OR TRANSACTIONS OF THE CONSUMER.

(a) REPORT ON CREDITOR PRACTICES REQUIRED.—Before the end of the 1-year period beginning on the date of enactment of this Act,

the Board, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission, shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the extent to which, during the 3-year period ending on such date of enactment, creditors have reduced credit limits or raised interest rates applicable to credit card accounts under open end consumer credit plans based on—

(1) the geographic location where a credit transaction with the consumer took place, or the identity of the merchant involved in the transaction;

(2) the credit transactions of the consumer, including the type of credit transaction, the type of items purchased in such transaction, the price of items purchased in such transaction, any change in the type or price of items purchased in such transactions, and other data pertaining to the use of such credit card account by the consumer; and

(3) the identity of the mortgage creditor which extended or holds the mortgage loan secured by the primary residence of the consumer.

(b) OTHER INFORMATION.—The report required under subsection (a) shall also include—

(1) the number of creditors that have engaged in the practices described in subsection (a);

(2) the extent to which the practices described in subsection (a) have an adverse impact on minority or low-income consumers;

(3) any other relevant information regarding such practices; and

(4) recommendations to the Congress on any regulatory or statutory changes that may be needed to restrict or prevent such practices.

SEC. 506. BOARD REVIEW OF SMALL BUSINESS CREDIT PLANS AND RECOMMENDATIONS.

(a) REQUIRED REVIEW.—Not later than 9 months after the date of enactment of this Act, the Board shall conduct a review of the use of credit cards by businesses with not more than 50 employees (in this section referred to as ''small businesses'') and the credit card market for small businesses, including—

(1) the terms of credit card agreements for small businesses and the practices of credit card issuers relating to small businesses;

(2) the adequacy of disclosures of terms, fees, and other expenses of credit card plans for small businesses;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans for small businesses;

(4) the cost and availability of credit for small businesses, particularly with respect to nonprime borrowers;

(5) the use of risk-based pricing for small businesses;

(6) credit card product innovation relating to small businesses; and

(7) the extent to which small business owners use personal credit cards to fund their business operations.

(b) RECOMMENDATIONS.—Following the review required by subsection (a), the Board shall, not later than 12 months after the date of enactment of this Act—

(1) provide a report to Congress that summarizes the review and other evidence gathered by the Board, such as through consumer testing or other research, and

(2) make recommendations for administrative or legislative initiatives to provide protections for credit card plans for small businesses, as appropriate.

SEC. 507. SMALL BUSINESS INFORMATION SECURITY TASK FORCE.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term ''task force'' means the task force established under subsection (b).

(b) ESTABLISHMENT.—The Administrator shall, in conjunction with the Secretary of Homeland Security, establish a task force, to be known as the ''Small Business Information Security Task Force'', to address the information technology security needs of small business concerns and to help small business concerns prevent the loss of credit card data.

(c) DUTIES.—The task force shall—

(1) identify—

(A) the information technology security needs of small business concerns; and

(B) the programs and services provided by the Federal Government, State Governments, and nongovernment organizations that serve those needs;

(2) assess the extent to which the programs and services identified under paragraph (1)(B) serve the needs identified under paragraph (1)(A);

(3) make recommendations to the Administrator on how to more effectively serve the needs identified under paragraph (1)(A) through—

(A) programs and services identified under paragraph (1)(B); and

(B) new programs and services promoted by the task force;

(4) make recommendations on how the Administrator may promote—

(A) new programs and services that the task force recommends under paragraph (3)(B); and

(B) programs and services identified under paragraph (1)(B);

(5) make recommendations on how the Administrator may inform and educate with respect to—

(A) the needs identified under paragraph (1)(A);

(B) new programs and services that the task force recommends under paragraph (3)(B); and

(C) programs and services identified under paragraph (1)(B);

(6) make recommendations on how the Administrator may more effectively work with public and private interests to address the information technology security needs of small business concerns; and

(7) make recommendations on the creation of a permanent advisory board that would make recommendations to the Administrator on how to address the information technology security needs of small business concerns.

(d) INTERNET WEBSITE RECOMMENDATIONS.—The task force shall make recommendations to the Administrator relating to the establishment of an Internet website to be used by the Administration to receive and dispense information and resources with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B). As part of the recommendations, the task force shall identify the Internet sites of appropriate programs, services, and organizations, both public and private, to which the Internet website should link.

(e) EDUCATION PROGRAMS.—The task force shall make recommendations to the Administrator relating to developing additional education materials and programs with respect to the needs identified under subsection (c)(1)(A).

(f) EXISTING MATERIALS.—The task force shall organize and distribute existing materials that inform and educate with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B).

(g) COORDINATION WITH PUBLIC AND PRIVATE SECTOR.—In carrying out its responsibilities under this section, the task force shall coordinate with, and may accept materials and assistance as it determines appropriate from, public and private entities, including—

(1) any subordinate officer of the Administrator;

(2) any organization authorized by the Small Business Act to provide assistance and advice to small business concerns;

(3) other Federal agencies, their officers, or employees; and

(4) any other organization, entity, or person not described in paragraph (1), (2), or (3).

(h) APPOINTMENT OF MEMBERS.—

(1) CHAIRPERSON AND VICE-CHAIRPERSON.—The task force shall have—

(A) a Chairperson, appointed by the Administrator; and

(B) a Vice-Chairperson, appointed by the Administrator, in consultation with appropriate nongovernmental organizations, entities, or persons.

(2) MEMBERS.—

(A) CHAIRPERSON AND VICE-CHAIRPERSON.—The Chairperson and the Vice-Chairperson shall serve as members of the task force.

(B) ADDITIONAL MEMBERS.—

(i) IN GENERAL.—The task force shall have additional members, each of whom shall be appointed by the Chairperson, with the approval of the Administrator.

(ii) NUMBER OF MEMBERS.—The number of additional members shall be determined by the Chairperson, in consultation with the Administrator, except that—

(I) the additional members shall include, for each of the groups specified in paragraph (3), at least 1 member appointed from within that group; and

(II) the number of additional members shall not exceed 13.

(3) GROUPS REPRESENTED.—The groups specified in this paragraph are—

(A) subject matter experts;

(B) users of information technologies within small business concerns;

(C) vendors of information technologies to small business concerns;

(D) academics with expertise in the use of information technologies to support business;

(E) small business trade associations;

(F) Federal, State, or local agencies, including the Department of Homeland Security, engaged in securing cyberspace; and

(G) information technology training providers with expertise in the use of information technologies to support business.

(4) POLITICAL AFFILIATION.—The appointments under this subsection shall be made without regard to political affiliation.

(i) MEETINGS.—

(1) FREQUENCY.—The task force shall meet at least 2 times per year, and more frequently if necessary to perform its duties.

(2) QUORUM.—A majority of the members of the task force shall constitute a quorum.

(3) LOCATION.—The Administrator shall designate, and make available to the task force, a location at a facility under the control of the Administrator for use by the task force for its meetings.

(4) MINUTES.—

(A) IN GENERAL.—Not later than 30 days after the date of each meeting, the task force shall publish the minutes of the meeting in the Federal Register and shall submit to the Administrator any findings or recommendations approved at the meeting.

(B) SUBMISSION TO CONGRESS.—Not later than 60 days after the date that the Administrator receives minutes under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives such minutes, together with any comments the Administrator considers appropriate.

(5) FINDINGS.—

(A) IN GENERAL.—Not later than the date on which the task force terminates under subsection (m), the task force shall submit to the Administrator a final report on any findings and recommendations of the task force approved at a meeting of the task force.

(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date on which the Administrator receives the report under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the full text of the report submitted under subparagraph (A), together with any comments the Administrator considers appropriate.

(j) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the task force shall serve without pay for their service on the task force.

(2) TRAVEL EXPENSES.—Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(3) DETAIL OF SBA EMPLOYEES.—The Administrator may detail, without reimbursement, any of the personnel of the Administration to the task force to assist it in carrying out the duties of the task force. Such a detail shall be without interruption or loss of civil status or privilege.

(4) SBA SUPPORT OF THE TASK FORCE.—Upon the request of the task force, the Administrator shall provide to the task force the administrative support services that the Administrator and the Chairperson jointly determine to be necessary for the task force to carry out its duties.

(k) NOT SUBJECT TO FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force.

(l) STARTUP DEADLINES.—The initial appointment of the members of the task force shall be completed not later than 90 days after the date of enactment of this Act, and the first meeting of the task force shall be not later than 180 days after the date of enactment of this Act.

(m) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the task force shall terminate at the end of fiscal year 2013.

(2) EXCEPTION.—If, as of the termination date under paragraph (1), the task force has not complied with subsection (i)(4) with respect to 1 or more meetings, then the task force shall continue after the termination date for the sole purpose of achieving compliance with subsection (i)(4) with respect to those meetings.

(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000 for each of fiscal years 2010 through 2013.

SEC. 508. STUDY AND REPORT ON EMERGENCY PIN TECHNOLOGY.

(a) IN GENERAL.—The Federal Trade Commission, in consultation with the Attorney General of the United States and the United States Secret Service, shall conduct a study on the cost-effectiveness of making available at automated teller machines technology that enables a consumer that is under duress to electronically alert a local law enforcement agency that an incident is taking place at such automated teller machine, including—

(1) an emergency personal identification number that would summon a local law enforcement officer to an automated teller machine when entered into such automated teller machine; and

(2) a mechanism on the exterior of an automated teller machine that, when pressed, would summon a local law enforcement to such automated teller machine.

(b) CONTENTS OF STUDY.—The study required under subsection (a) shall include—

(1) an analysis of any technology described in subsection (a) that is currently available or under development;

(2) an estimate of the number and severity of any crimes that could be prevented by the availability of such technology;

(3) the estimated costs of implementing such technology; and

(4) a comparison of the costs and benefits of not fewer than 3 types of such technology.

(c) REPORT.—Not later than 9 months after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report on the findings of the study required under this section that includes such recommendations for legislative action as the Commission determines appropriate.

SEC. 509. STUDY AND REPORT ON THE MARKETING OF PRODUCTS WITH CREDIT OFFERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the terms, conditions, marketing, and value to consumers of products marketed in conjunction with credit card offers, including—

(1) debt suspension agreements;

(2) debt cancellation agreements; and

(3) credit insurance products.

(b) AREAS OF CONCERN.—The study conducted under this section shall evaluate—

(1) the suitability of the offer of products described in subsection (a) for target customers;

(2) the predatory nature of such offers; and

(3) specifically for debt cancellation or suspension agreements and credit insurance products, loss rates compared to more traditional insurance products.

(c) REPORT TO CONGRESS.—The Comptroller shall submit a report to Congress on the results of the study required by this section not later than December 31, 2010.

SEC. 510. FINANCIAL AND ECONOMIC LITERACY.

(a) REPORT ON FEDERAL FINANCIAL AND ECONOMIC LITERACY EDUCATION PROGRAMS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President's Advisory Council on Financial Literacy—

(A) to evaluate and compile a comprehensive summary of all existing Federal financial and economic literacy education programs, as of the time of the report; and

(B) to prepare and submit a report to Congress on the findings of the evaluations.

(2) CONTENTS.—The report required by this subsection shall address, at a minimum—

(A) the 2008 recommendations of the President's Advisory Council on Financial Literacy;

(B) existing Federal financial and economic literacy education programs for grades kindergarten through grade 12, and annual funding to support these programs;

(C) existing Federal postsecondary financial and economic literacy education programs and annual funding to support these programs;

(D) the current financial and economic literacy education needs of adults, and in particular, low- and moderate-income adults;

(E) ways to incorporate and disseminate best practices and high quality curricula in financial and economic literacy education; and

(F) specific recommendations on sources of revenue to support financial and economic literacy education activities with a specific analysis of the potential use of credit card transaction fees.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President's Advisory Council on Financial Literacy to develop a strategic plan to improve and expand financial and economic literacy education.

(2) CONTENTS.—The plan developed under this subsection shall—

(A) incorporate findings from the report and evaluations of existing Federal financial and economic literacy education programs under subsection (a); and

(B) include proposals to improve, expand, and support financial and economic literacy education based on the findings of the report and evaluations.

(3) PRESENTATION TO CONGRESS.—The plan developed under this subsection shall be presented to Congress not later than 6 months after the date on which the report under subsection (a) is submitted to Congress.

(c) EFFECTIVE DATE.—Notwithstanding section 3, this section shall become effective on the date of enactment of this Act.

SEC. 511. FEDERAL TRADE COMMISSION RULEMAKING ON MORTGAGE LENDING.

(a) IN GENERAL.—Section 626 of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8) is amended—

(1) in subsection (a)—

(A) by striking ''Within'' and inserting ''(1) Within'';

(B) in paragraph (1), as designated by subparagraph (A), by inserting after the first sentence the following: ''Such rulemaking shall relate to unfair or deceptive acts or practices regarding mortgage loans, which may include unfair or deceptive acts or practices involving loan modification and foreclosure rescue services.''; and

(C) by adding at the end the following:

''(2) Paragraph (1) shall not be construed to authorize the Federal Trade Commission to promulgate a rule with respect to an entity that is not subject to enforcement of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Commission.

''(3) Before issuing a final rule pursuant to the proceeding initiated under paragraph (1), the Federal Trade Commission shall consult with the Federal Reserve Board concerning any portion of the proposed rule applicable to acts or practices to which the provisions of the Truth in Lending Act (15 U.S.C. 1601 et seq.) may apply.

''(4) The Federal Trade Commission shall enforce the rules issued under paragraph (1) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.''; and

(2) in subsection (b)—

(A) by striking so much as precedes paragraph (2) and inserting the following:

''(b)(1) Except as provided in paragraph (6), in any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person subject to a rule prescribed under subsection (a) in a practice that violates such rule, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in an appropriate district court of the United States or other court of competent jurisdiction—

''(A) to enjoin that practice;

''(B) to enforce compliance with the rule;

''(C) to obtain damages, restitution, or other compensation on behalf of residents of the State; or

''(D) to obtain penalties and relief provided by the Federal Trade Commission Act and such other relief as the court considers appropriate.''; and

(B) in paragraphs (2), (3), and (6), by striking ''Commission'' each place it appears and inserting ''primary Federal regulator''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 12, 2009.

SEC. 512. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that ''the right of the people to keep and bear Arms, shall not be infringed''.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that ''except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net''.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not ''possess, use, or transport firearms on national wildlife refuges'' of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SEC. 513. GAO STUDY AND REPORT ON FLUENCY IN THE ENGLISH LANGUAGE AND FINANCIAL LITERACY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study examining—

(1) the relationship between fluency in the English language and financial literacy; and

(2) the extent, if any, to which individuals whose native language is a language other than English are impeded in their conduct of their financial affairs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that contains a detailed summary of the findings and conclusions of the study required under subsection (a).

MOTION OFFERED BY MR. FRANK OF MASSACHUSETTS

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves that the House concur in the Senate amendment to H.R. 627.

The SPEAKER pro tempore. Pursuant to House Resolution 456, the motion shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on Financial Services.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Texas (Mr. HENSARLING) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, to begin the debate, I recognize the major author and chief advocate for the credit card bill, dating back several years, and it is her diligent effort that is paying off today for the American consumer, the gentlewoman from New York (Mrs. MALONEY) for 4 minutes.

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership on this and so many other issues.

Mr. Speaker, Congress is on the verge of passing landmark credit card reform. This bill will make the lives of hardworking, responsible Americans better. It will make their economic futures more predictable and their families more secure. It will level the playing field and restore balance to credit card contracts. It will end what the Fed has characterized as anti-competitive, unfair and deceptive practices.

I am very proud of the work that went into this bill by so many people, especially Chairman FRANK and Chairman DODD. It will have a positive impact everywhere and on anyone in this country who uses a credit card.

Over the past 3 years as I have labored on this bill with my colleagues, the need to stop credit card industry abuses has become ever more apparent with every passing billing cycle. Today, our families are being hard-hit in this economy, and some credit card companies are hurting our families by arbitrarily raising interest rates and changing the rules to increase their profits. This bill will put an end to these practices.

Many small businesses rely on personal credit cards, but we are seeing increased numbers of small business owners hit with increased penalties and interest rates and canceled credit for absolutely no reason, which is killing small businesses and hurting our economy. NFIB has endorsed this bill.

With these reforms, consumers will have more money to invest in the economy instead of paying off debt. A study by the Joint Economic Committee found that these abusive practices are slowing our recovery by effectively raising prices for consumers.

This bill is a reaffirmation of the principle of ''a deal is a deal'' and is the result of years of advocacy for this change by many of my colleagues, national consumer groups, civil rights organizations, labor unions, and business organizations. Americans want this bill. More than 50 editorial boards across this country have endorsed it.

In this Congress, under the leadership of Speaker PELOSI, Majority Leader HOYER, Subcommittee Chair GUTIERREZ and Chairman FRANK, we passed it with an overwhelming bipartisan vote of 357–70. Just yesterday the Senate passed it with a vote of 90–5 and maintained the core principles of the bill with many important additions.

My only regret with the Senate's action is that they voted to include a completely unrelated provision allowing guns in our national parks, rolling back a rule that was put into place by President Reagan that has absolutely no purpose on this bill and should be removed in a separate vote. And while I will vote against this provision later today, I do not think we should stop these important consumer protections for credit cardholders.

The President has asked us to send him this bill by Memorial Day. We have our chance to do that today. This is one credit card bill that the American people cannot afford to become past due.

I urge a ''yes'' vote.

Mr. HENSARLING. Mr. Speaker, I yield myself 5 minutes.

First, I observe this may be the seventh or eighth time we've had an opportunity to essentially debate the same bill. So I first want to congratulate the chairman of the full committee for a very open and deliberative process.

I also want to congratulate the gentlelady from New York. Although I very much disagree with the ultimate consequences of the legislation, certainly she has brought passion and tenacity to an issue and has seen it through the process. And to the extent that I can count votes in the minority where you have the luxury of being right about 99 percent of the time when you count votes, I'm sure her side is on the verge of victory.

But, Mr. Speaker, I just would say before my friends on the other side of the aisle high-five each other, they may want to do a high one or high two, but I'm not sure it's a high five.

I agree with the gentlelady from New York that there have been deceptive trade practices and misleading advertising by a number of credit card companies. This has to stop. There are a number of disclosure provisions that the Federal Reserve has presented after 3 years of a very careful study, a number of those provisions are mirrored in this particular legislation. I think the whole House agrees with those. Clearly, there needs to be consequences for companies that engage in this kind of behavior.

And in addition, we need to ensure that the laws that we have on the books, Mr. Speaker, are enforced: the Deceptive Trade Practices Act, the Truth in Lending Act, and other laws that we have on the books.

But, Mr. Speaker, just like when you hear in a tax debate that Congress is

getting ready to tax the rich, somehow the middle income have to hold on to their wallet; when you hear there's a piece of legislation that is aimed at reining in the credit card companies, well, John Q. Citizen had better watch out as well.

I'm afraid my friends on the other side of the aisle have been very effective through bailout legislation, stimulus legislation, omnibus legislation, a budget that creates more debt in the next 10 years than in the previous 220, they've been very adept at taking the cash out of Americans' wallets, and now with this legislation, many will have their credit cards removed by the Congress as well.

People know that Congress excels at one thing, and that is unintended consequences, and I fear, Mr. Speaker, there will be a number of unintended consequences through this particular legislation.

This legislation ultimately restricts economic opportunities. It has a version of price controls for late fees. It restricts the ability of credit card companies to engage in facets of what is called risk-based pricing, and ultimately what that means is, this legislation, notwithstanding the good portions of the bill which will create better and effective disclosure for consumers, but what it will ultimately do is a couple of things.

Number one, Mr. Speaker, this will force the good customers to yet, again, bail out the not-so-good customers. And it's interesting, Mr. Speaker, having debated this a number of times, there was an article that came out I believe in yesterday's New York Times, and this is isn't National Review or The Weekly Standard or Rush Limbaugh. It's the New York Times. I'd like to quote from portions of that article.

''Credit cards have been a very good deal for people who pay their bills on time and in full. Now Congress is moving to limit the penalties on riskier borrowers who have become a prime source of billions of dollars in fee revenue for the industry, and to make up for the lost income, the card companies are going after those people with sterling credit.''

Again, the observation of the New York Times.

Banks are expected to look at reviving annual fees, curtailing cash back and other rewards programs, and charging interest immediately on a purchase instead of allowing a grace period of weeks, according to bank officials and trade groups.

From the head of the American Bankers Association, those that manage their credit well will in some degree subsidize those that have credit problems.

Again, Mr. Speaker, I respectfully submit to you this is yet another piece of bailout legislation. Over 50 percent of Americans who have credit cards pay their bills in full and on time. There's another huge percentage who at least make the minimum payment on time. Why, why are we going to punish those——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. I yield myself 1 additional minute.

Why, Mr. Speaker, do we want to punish those people on behalf of those who don't do it right?

Now, some don't do it right because of circumstances beyond their control, but the way to address that is not to take away the rights and opportunities of others. That can be addressed through social safety net legislation. But others don't pay their bills simply because they're irresponsible. Why do the responsible have to bail out the irresponsible?

And we already see that we are in the midst of a huge credit contraction, Mr. Speaker. At a time when Americans are struggling to pay their mortgages, to pay for their groceries, to pay their health care costs, why, why would we want to make credit more expensive and less available? It is the completely wrong policy.

Now, again, I want to agree with the disclosure provisions. I also want to agree with the provisions in the bill that say that consumers ought to have a reasonable amount of time to close out their accounts under their old provisions and old interest rates, but otherwise, we need to reject this legislation.

I reserve my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1 minute.

The gentleman referred to money added to the budget. He talked about the bailout, et cetera.

□ 1300

I would remind Members that the $700 billion was asked for by the Bush administration, and it passed with Democratic support and the support of a significant minority on the Republican side, including the Republican leadership and a very heavy majority of Republican Senators. So, yes, that $700 billion was voted at the request of the Bush administration, with substantial bipartisan support.

There was, of course, also the matter of another $700 billion-or-so in the war in Iraq which I voted against. So I do regret some of these extra expenditures, but the responsibility is hardly that of one party.

And now I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today in strong support of H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009, introduced in the House by Congresswoman CAROLYN MALONEY from New York.

H.R. 627 will help consumers, especially Latinos, by eliminating harmful credit card industry policies and practices that have resulted in a dangerous accumulation in the Latino community of unsecured debt. It will empower Hispanics to reduce their reliance and dependence on credit cards, and help them build the assets and wealth they need for long-term economic stability, and to eventually attain the American Dream of homeownership.

As chairman of the Subcommittee on Higher Education, I strongly support the provisions in the bill that increase protections for students against aggressive credit card marketing and increased transparency of affinity arrangements between credit card companies and universities.

Mr. Speaker, this legislation is long overdue. It's imperative that we pass this bill and that the President sign it into law as soon as possible to begin the journey toward credit card reform.

Congresswoman MALONEY's legislation will help all individuals residing in the U.S. and will improve financial literacy of Americans across the board, which is the goal of the Financial and Economic Literacy Caucus I co-founded and currently co-chair with Congresswoman JUDY BIGGERT of Illinois.

I strongly encourage all my colleagues to support this very important and timely piece of legislation.

Mr. HENSARLING. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, since January, House Republicans have simply asked the Democrat majority in the House for a chance to debate an amendment on Second Amendment rights and to have a vote to allow citizens to carry firearms in national parks and wildlife refuges in accordance with State law.

Unfortunately, Democrat leaders have spent the last 5 months using every legislative trick in the book to obstruct a fair and open process. However, after Senator COBURN managed to force consideration of his amendment in the other body, Democrat leaders have finally cried uncle and decided to hold a debate and a vote.

Mr. Speaker, I applaud their capitulation.

During today's debate, you'll hear gun control advocates falsely claim that this amendment will increase poaching because American gun owners won't be able to resist the temptation to shoot wildlife encountered in national parks.

Mr. Speaker, their liberal base might believe this, but I doubt if the American people will. In fact, the fact is that American gun owners are simply citizens who want to exercise their Second Amendment rights without running into confusing red tape.

Opponents of this amendment will also call it unprecedented, far reaching and radical. But the fact is, it merely puts national parks and refuges in line with current regulations of national forest lands and Bureau of Land Management lands. Let me reiterate this. The Second Amendment rights are already in place in national forests and on Bureau of Land Management property.

The current policy is outdated, unnecessary, inconsistent and confusing to those who visit the checker board of public lands, and the policy needs to be changed, and this amendment does just that.

Finally, let me remind my colleagues that the current prohibition is only in place because of a lone activist Federal judge in Washington, D.C. who somehow rationalized that the Second Amendment should be subjected to environmental review and red tape bureaucracy—Second Amendment subjected to environmental review—and decided to singlehandedly throw out the previous policy. She did this, despite the fact that the previous administration had conducted months of review in a thorough public comment process.

Now, today, on this vote the House has the opportunity to right that wrong.

So, Mr. Speaker, I encourage my colleagues on both sides of the aisle to join me in restoring Americans' Second Amendment rights on Federal lands.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank my chairman for allowing me to have these 2 minutes.

Mr. Speaker, I rise today to raise my voice in opposition to the Coburn amendment to H.R. 627, the Credit Cardholders' Bill of Rights.

Our economy is in trouble, and millions of consumers are hurting under the pressure of staggering credit card debt.

I am proud to support the hard work of my colleague, Congresswoman CAROLYN MALONEY, who has championed the Credit Cardholders' Bill of Rights, which will make the practice of credit card companies fairer, help dig consumers out of debt, and get our economy going.

But I am incredibly disappointed that this well-meaning bill has been hijacked and used as a political tool to ram a provision down the throats of Americans when they need our help to address more pressing issues.

Adding an amendment that will allow loaded guns into our national parks to a bill that is designed to help American families during an economic crisis shows an ignorance of the seriousness of our Nation's economic crisis and a disregard for the needs of its consumers. This amendment should not be part of this bill.

Our national parks are among our greatest treasures. We are blessed as a Nation with some of the most pristine and beautiful landscapes and open spaces in the world, and every year millions and millions of families from all walks of life travel from far and near to enjoy these amazing resources. When families are out experiencing the wonders of our lands, the last thing they should have to worry about is a threat or the possible threat of gun violence.

With the Coburn amendment, we are putting families at risk, which is wrong. And the method being used to push the bill is equally troubling. Are we going to have all of our bills coming over from the Senate with gun legislation on them?

I urge my colleagues to vote against the Coburn amendment and vote for H.R. 627.

Mr. HENSARLING. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I am happy to be here to speak on this particular amendment.

There are, indeed, some in government who are very uncomfortable with the concept of an armed citizenry. That is nothing that is new.

Mr. Speaker, 234 years ago, on a spring day that's very similar to this one, a British commander in Boston sent out a detachment to Lexington and Concord for what he thought was a perfectly reasonable gun control measure. I mean, why would any rational person want to possess a gun on park-like greens and commons in those pleasant New England towns?

Unfortunately for General Howe, the patriots disagreed. And those same patriots were the ones who wrote our Constitution and gave the protection in the Second Amendment to gun rights.

The issue today is whether Congress will insist that the National Park Service live under the same rules that the national forests and the Bureau of Land Management areas have been under all the time.

There's nothing unique or new about this. It is simply a matter of conformity. The real winners in this amendment are law-abiding Americans who will no longer be treated as criminals, even though they're good people.

I give, for example, Damon Gettier, who was convicted of the heinous crime of driving through the Blue Ridge Parkway, which bisects his community towards his home one afternoon when he had a legally owned firearm in his car, which was legal in the State of Virginia, but not in the Park Service land a couple of blocks away.

Even the Federal judge admitted he, himself, had no idea it was unlawful to carry a firearm in a car in National Park Service land, though it was lawful in the State of Virginia. This man, nonetheless, was still penalized.

It is wrong. This rights that wrong. This brings continuity and it brings the National Park Service in line with every other public lands proposal that we have in this Nation. And I urge its adoption.

Ms. WATERS. Mr. Speaker, I yield myself 2 minutes.

It's unfortunate, Mr. Speaker and Members, that we have to deal with this misplaced Coburn amendment in what is a very good bill. The American taxpayers ought to be incensed.

We are trying to protect consumers against the practices of these credit card companies that have been ripping them off for so long, and here we have, placed in this bill, this irrelevant amendment that is dealing with guns and guns in parks.

It's a good bill. I support the bill. And I would like to thank Financial Institutions Chairman LUIS GUTIERREZ and Congresswoman MALONEY for their continued dedication and leadership on this issue. And I am a proud sponsor of H.R. 627.

I had no idea on the Senate side they would inject this amendment into the bill. It's about time that we reined in the abusive practices of credit card companies. For too long, credit card companies have squeezed consumers through every scheme imaginable, including double-cycle billing and universal default. This bill will finally give consumers the rights they deserve.

H.R. 627 bans double billing, double cycle billing. It bans universal default, and it flat out prohibits arbitrary interest rate increases. It even prohibits credit cards from raising rates during the first year that a credit card account is open, thereby eliminating the old bait-and-switch policies.

I am especially pleased that now credit card companies will have to allow consumers to opt in to overdraft plans, so that the $3 cup of coffee does not turn into a $35 overdraft charge.

Even with this bill, we know that credit card companies will still try to put the squeeze on the consumers. Already they are lowering the credit lines of borrowers in good standing, based on where the borrower shops. This is why this bill, H.R. 627, includes an amendment that I offered to require the Federal Reserve to report to Congress on the extent of these practices. With this study, we will have the information we need to further end these abusive practices.

I urge my colleagues to support H.R. 627, and I am hopeful that we can separate this bad Coburn amendment out of the bill.

Mr. HENSARLING. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I think, for the moment, I do wish to return to the credit card debate.

Again, Mr. Speaker, I fear that the legislation before us is going to be riddled with unintended consequences. Again, there are portions of the bill to which I think almost every Member of this body would agree. Consumers have been taken advantage of by misleading claims, by deceptive disclosures, and we must have effective disclosure written in legalese not voluminous disclosure. Rather, we need effective disclosure written in English, as opposed to voluminous disclosure written in legalese.

But we don't need to take away consumer's credit opportunities at a time when the market is already contracting from the economic recession. I mean, these credit cards are needed.

And again, Mr. Speaker, I fear that this legislation will take us back to a

bygone era, an era that most of us, frankly, don't want to revisit.

Now, in my earlier remarks I alluded to this New York Times piece, again, not exactly known as a bastion of conservative thought, but it is certainly a third-party validation to what many of us have been saying in this debate. But I allude to this New York Times article of May 19. And it talks about this bygone era, and in part of this article it says: ''Banks used to give credit cards only to the best customers and charge them a flat interest rate of about 20 percent, and an annual fee.'' Well, once certain usury laws have been relaxed, once there were technological innovations allowing this thing called risk-based pricing, something happened, Mr. Speaker, and that was, people who previously had no access to credit finally got access to credit.

□ 1315

Something else happened, Mr. Speaker. That is that those debtors who paid their bills on time, who were less risky, managed to pay a lower interest rate and managed to get rid of the dreaded annual fees. This is a piece of legislation that will take us back to a bygone era that most of us want to leave bygone. It is a step into the past.

The article in the New York Times goes on to say, ''The industry says that the proposals will force banks to issue fewer credit cards at greater cost to the current cardholders.''

Now, some may view that to be a good thing. Well, it's not necessarily the struggling families of the Fifth Congressional District of Texas. They want their credit cards. They want choices to be had. They want there to be honest disclosure that they understand, but they want choices in the marketplace.

Now, I may view this legislation differently, Mr. Speaker, if I thought there weren't competition in the marketplace, but we've heard testimony throughout this debate that there are over 10,000 different issuers of credit cards—10,000. We've seen contraction in the market due to the economic recession, and all this legislation is going to do is exacerbate that phenomenon.

So, again, this is a bailout bill. It's asking those who pay their bills on time and in full to bail out those who don't. So, again, we'll hear all of the rhetoric that we're slapping around the big credit card companies. Frankly, there are a number of their practices that deserve slapping around, but somebody else is going to get slapped around, and that is the borrower who pays his bill in full and on time. He is going to be punished. He is going to get slapped around by this legislation at a time when they can ill, ill afford it.

We've seen this before. We've heard testimony from, for example, community banks that tell us, if this legislation is passed—and I've heard this from banks in my own district—that ultimately the credit card portfolios of the smaller institutions are going to be ended or that they're going to be sold to the larger institutions. Less competition. Less opportunities.

We've heard from academics in this debate, like Professor Todd Zywicki from George Mason University. The increased use of credit cards has been a substitution for other types of consumer credit. If these individuals are unable to get access to credit cards, experience and empirical evidence indicates that they will turn elsewhere for credit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. Mr. Speaker, I yield myself an additional minute.

They will turn elsewhere for credit, such as to pawnshops, to payday lenders, to rent-to-own or even to loan sharks. In some respects, maybe we ought to call this the Payday Lenders and Pawnshop Relief Act, because that will be the consequence. Now, I'm not trying to cast aspersions on their business models. Many consumers turn to them. That's not the point.

The point is this legislation is going to constrict consumer choice. We've seen similar legislation in the United Kingdom. They passed a law that capped default fees. What happened? Well, two of the three largest issuers promptly imposed annual fees on their cardholders. Nineteen of the largest raised interest rates, and by one independent study, 60 percent of new applicants were rejected. That's what happened in the U.K.

These are the unintended consequences of this legislation, and that is why I believe this conference report should be rejected at this time. There is a better way of doing this, Mr. Speaker, and it is with disclosure and with effective enforcement of any fraud laws.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield 2 minutes to a member of the committee who is one of the coauthors of this important bill, the gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. Mr. Speaker, I rise in strong support of sending this critical bill to the President for his signature. Enactment will stop deceptive and unfair practices by credit card issuers that have taken advantage of honest consumers.

I thank the chairman for his leadership, and I want to especially thank Congresswoman CAROLYN MALONEY.

When she started in this effort, the odds were dead set against her, and it was likely her efforts would run into stiff partisan opposition. Thanks to her leadership and hard work, this bill has very bipartisan support, passing this House this year by 357–70 and, yesterday, being approved by the Senate with an overwhelmingly bipartisan 90–5 vote.

Each time I am at home in my district, without fail, people share stories about their times with credit cards. One woman, Diana Lynn, from Baldwinsville, near Syracuse, recently noted that, in the fine print of her credit card, her interest rate had been raised from 14.25 to 21.5 percent for no reason, which was applied to her already existing balance. Diana runs an animal protection nonprofit and is taking care of her mother, who is in intensive care. Now, she is confident that she will eventually pay off this balance and will still maintain her good credit, but she is worried about those less well off, who are at the mercy of the credit card companies.

Hers is just one of the hundreds of stories that my office has heard. Today, we take action on their behalf. Under this legislation before us, Diana would have been protected. For too long, the credit card issuers have taken advantage of American families, of small businesses and even of churches that are too responsible to run away but are too poor to pay off their balances.

The Credit Cardholders' Bill of Rights means that credit card companies will no longer be allowed to act as loan sharks. The enactment of this bill is just the beginning. Just as the Bill of Rights in the Constitution provides a foundation for all of our laws that protect citizens' liberties, this bill will create a solid foundation for Congress to build upon in order to provide a needed floor for the industry to improve their practices and to highlight the need for consumer responsibility. This bipartisan coalition will continue to push for more transparency and fairness for consumers in upstate New York and throughout the country.

Mr. HENSARLING. Mr. Speaker, at this time, I would like to yield to the distinguished ranking member of the Financial Services Committee for as much time as he may consume, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I think all of us in this body have had constituents call and complain that what they saw were unfair and deceptive credit card practices, and in many cases, these practices were not fair.

As a result of that, the Financial Services Committee, working with the Federal Reserve, proposed—and the Federal Reserve has now adopted—changes. The things that have been talked about by Members of this body in the debate last week and in the debate today are taken care of in the Federal Reserve's requirements. In fact, they went through a long public process. They had over 60,000 public comments about the issues, and they issued, actually, 1,200 pages of changes in our credit card regulations. This included going up on balance fees. This included double-cycle billing. This included giving people a longer period of time from the time their statement was mailed to the time they had to get a payment in—all of the things, I think, that most of us have received calls on.

One matter that we raised when this bill was before us—and I want to commend the Senate, and I want to commend the Democratic majority in the House—was this idea in the original legislation that you could apply for a number of credit cards, but it would not go on your credit report until you activated that card. I think, as a result of the debate 2 weeks ago, we took a closer look at that, and we did pass an amendment by AARON SCHOCK, which, I think, will close the door to a lot of fraud in that regard. I appreciate the majority's support on that. I think the Senate further closed that loophole, and I think we've struck the right balance there.

As for the supporters of this bill, I don't question their sincerity, and I don't question their motivation. They and the American people want credit card reform. What we had said is there is tremendous reform in the Fed's proposals, in the Federal Reserve's proposals, and we felt like those ought to have a chance. We expressed why we were for those reforms which were going into effect next July and not for this bill.

One of our concerns—and I think that this bill will do this, and I hope I'm wrong—is that this legislation, I believe, will restrict credit for those who don't have the best credit reports. They're really the people who probably need credit the most. In fact, the subcommittee ranking member, Mr. HENSARLING, referred to a New York Times article. Now, that article and an article that appeared in today's Washington Post really express some of the same concerns that the gentleman from Texas and I expressed 2 weeks ago, which is that we are going to have several things happen as a result of this bill.

One is we're going to have a restriction of credit. The Washington Post article does quote from the Financial Services Roundtable, but they say that they believe that credit could be reduced by as much as $2 billion. That's not very good timing if that's done, ladies and gentlemen of the House.

As I have said and as I said yesterday in the Rules Committee, I fear that many Americans will not be able to renew their credit cards or I fear that their credit card lines will be reduced. Sometimes maybe this is good, but I think, in a time of economic crisis, it's going to be somewhat ill-timed.

The New York Times and The Washington Post both mention that they believe, as a result of this legislation, you are not going to see any offers to transfer balances at zero percent. They also say the most creditworthy customers, those who pay every month and who haven't had to pay interest, will probably have to as a result of these changes. They probably will be charged interest. There are predictions in here that there will be the return of higher fees. I hope these predictions don't pan out.

[From the New York Times, May 19, 2009]

CREDIT CARD INDUSTRY AIMS TO PROFIT FROM STERLING PAYERS

(By Andrew Martin)

Credit cards have long been a very good deal for people who pay their bills on time and in full. Even as card companies imposed punitive fees and penalties on those late with their payments, the best customers racked up cash-back rewards, frequent-flier miles and other perks in recent years.

Now Congress is moving to limit the penalties on riskier borrowers, who have become a prime source of billions of dollars in fee revenue for the industry. And to make up for lost income, the card companies are going after those people with sterling credit.

Banks are expected to look at reviving annual fees, curtailing cash-back and other rewards programs and charging interest immediately on a purchase instead of allowing a grace period of weeks, according to bank officials and trade groups.

''It will be a different business,'' said Edward L. Yingling, the chief executive of the American Bankers Association, which has been lobbying Congress for more lenient legislation on behalf of the nation's biggest banks. ''Those that manage their credit well will in some degree subsidize those that have credit problems.''

As they thin their ranks of risky cardholders to deal with an economic downturn, major banks including American Express, Citigroup, Bank of America and a long list of others have already begun to raise interest rates, and some have set their sights on consumers who pay their bills on time. The legislation scheduled for a Senate vote on Tuesday does not cap interest rates, so banks can continue to lift them, albeit at a slower pace and with greater disclosure.

''There will be one-size-fits-all pricing, and as a result, you'll see the industry will be more egalitarian in terms of its revenue base,'' said David Robertson, publisher of the Nilson Report, which tracks the credit card business.

People who routinely pay off their credit card balances have been enjoying the equivalent of a free ride, he said, because many have not had to pay an annual fee even as they collect points for air travel and other perks.

''Despite all the terrible things that have been said, you're making out like a bandit,'' he said. ''That's a third of credit card customers, 50 million people who have gotten a great deal.''

Robert Hammer, an industry consultant, said the legislation might have the broad effect of encouraging card issuers to become ever more reliant on fees from marginal customers as well as creditworthy cardholders—''deadbeats'' in industry parlance, because they generate scant fee revenue.

''They aren't charities. They have shareholders to report to,'' he said, referring to banks and credit card companies. ''Whatever is left in the model to work from, they will start to maneuver.''

Banks used to give credit cards only to the best consumers and charge them a flat interest rate of about 20 percent and an annual fee. But with the relaxing of usury laws in some states, and the ready availability of credit scores in the late 1980s, banks began offering cards with a variety of different interest rates and fees, tying the pricing to the credit risk of the cardholder.

That helped push interest rates down for many consumers, but they soared for riskier cardholders, who became a significant source of revenue for the industry. The recent economic downturn challenged that formula, and banks started dumping the riskiest customers and lowering their credit limits in earnest as the recession accelerated. Now, consumers who pay their bills off every month are issuing a rising chorus of complaints about shortened grace periods, new hidden fees and higher interest rates.

The industry says that the proposals will force banks to issue fewer credit cards at greater cost to the current cardholders.

Citigroup and Capital One referred comments to the A.B.A. Discover and American Express declined to comment. Bank of America intends to ''provide credit to the largest number of creditworthy customers possible, while also remaining prudent in our lending practices,'' said Betty Riess, a spokeswoman. Together with JPMorgan Chase, which has said the changes will force it to limit credit availability and raise fees, these banks account for 80 percent of the credit card industry.

Banks are not required to publicly reveal how much money they make from penalty interest rates and fees, though government officials and industry consultants estimate they constitute a growing portion of revenue.

For instance, Mr. Hammer said the amount of money generated by penalty fees like late charges and exceeding credit limits had increased by about $1 billion annually in recent years, and should top $20 billion this year.

Regulations passed by the Federal Reserve in December to curb unexpected interest charges would cost issuers about $12 billion a year in lost fees and income, according to industry calculations. The legislation before Congress would build on the Fed rules and would further squeeze banks' revenue when they are being hit with a high rate of credit card charge-offs. The government's stress tests showed that the nation's 19 biggest banks will take on $82 billion in credit card losses in the next two years.

A 2005 report by the Government Accountability Office estimated that 70 percent of card issuers' revenue came from interest charges, and the portion from penalty rates appeared to be growing. The remainder came from fees on cardholders as well as retailers for processing transactions. Many retailers are angry at the high fees and plan to pass them on to shoppers once the Congressional legislation takes effect.

Consumer advocates say they have little sympathy for credit card issuers, arguing that they have made billions in recent years with unfair and sometimes deceptive practices.

''The business model will change because the business model doesn't work for the public,'' said Gail Hillebrand, a senior lawyer at Consumers Union.

''In order to do business under the new rules, they'll actually have to tell you how much it's going to cost,'' she said.

With many consumers mired in debt and angry at what they consider gouging by credit card companies, the issue of credit card reform has broad populist appeal. Members of Congress and the Obama administration have seized on the discontent to push reforms that the industry succeeded in tamping down when the economy was flying high.

Austan Goolsbee, an economic adviser to President Obama, said that while the credit card industry had the right to make a reasonable profit as long as its contracts were in plain language and rule-breakers were held accountable, its current practices were akin to ''a series of carjackings.''

''The card industry is giving the argument that if you didn't want to be carjacked, why weren't you locking your doors or taking a different road?'' Mr. Goolsbee said.

[From the Washington Post, May 20, 2009]

CREDIT CARD RESTRICTIONS CLOSE TO ENACTMENT

(By Nancy Trejos)

Landmark credit card legislation, poised to reach President Obama's desk by Memorial Day, will force the card industry to reinvent itself and consumers to rethink the way they use plastic.

The Senate cleared a hurdle yesterday, voting 90 to 5 to pass a bill that would sharply curtail credit card issuers' ability to raise interest rates and charge fees. Lawmakers will now turn to reconciling differences with a similar bill approved by the House last month. Swift passage was expected given that the Senate version received so much bipartisan support and that the White House has pressed for action.

When Obama signs the bill into law as expected, the $960 billion credit card industry will go through a restructuring that could have broad implications for consumers.

The bill prohibits card companies from raising interest rates on existing balances unless a borrower is at least 60 days late. If the cardholder pays on time for the following six months, the company would have to restore the original rate. On cards with more than one interest rate, issuers will have to apply payments first to the debts with the highest rates, which would help borrowers pay off their cards more quickly.

Treasury Secretary Timothy F. Geithner said the bill ''will help create a more fair, transparent and simple consumer credit market.''

Card executives said the changes will force them to charge higher rates and annual fees to delinquent customers and those in good standing.

''This bill fundamentally changes the entire business model of credit cards by restricting the ability to price credit for risk,'' said Edward L. Yingling, the chief executive of the American Bankers Association. He said that lending would become more risky and that, ''It is a fundamental rule of lending that an increase in risk means that less credit will be available and that the credit that is available will often have a higher interest rate.''

Scott Talbott, senior vice president of government affairs for the Financial Services Roundtable, an industry group, said available credit could be reduced by as much as $2 billion.

When credit cards were introduced about 50 years ago, issuers practiced a one-size-fits-all approach of charging an annual fee and roughly the same interest rate of about 18 percent to everyone. As the industry became more deregulated in the 1980s, around the time that credit scores were introduced, issuers were able to separate the risky from the not-so-risky borrower and tailor the terms of card contracts.

The money they made from customers who did not pay their bills in full each month became an important revenue source. The industry makes $15 billion annually from penalty fees, and one-fifth of consumers carrying credit card debt pay an interest rate above 20 percent, according to figures cited by the White House and compiled from the Government Accountability Office and the Federal Reserve.

To make up for the lost revenue, card issuers will turn to those customers who pay what they owe in full and on time every month, analysts said. Gone will be the days when creditworthy customers enjoyed the benefits of low interest rates and cards that offer rewards such as frequent flier miles and cash back, they said. Annual fees, which had been banished to cards with rewards programs, are likely to return. Offers for zero percent balance transfers are likely to become more rare.

''This industry will start looking more like a one-size-fits-all pricing approach which dominated in the '80s—18 percent interest and $20 annual fees,'' said David Robertson, publisher of the Nilson Report, which covers the industry. Customers who pay in full each month will have ''to start picking up the slack, to start pulling their weight.''

Consumer advocates and legislators pointed out that the legislation still allows issuers to raise interest rates for future purchases as long as they give 45 days' notice. It also does not set any interest rate caps, allowing issuers to charge new customers any rate they want.

''This ominous we're-going-back-in-time threat doesn't make a whole lot of sense,'' said Travis B. Plunkett, legislative affairs director at the Consumer Federation of America.

Bruised by a rise in delinquencies and a record percentage of debts they have had to write off, some of the biggest players in the card industry, including Bank of America, Capital One and Chase, have already been increasing interest rates and cutting credit limits even on customers who pay on time.

Credit card issuers have come under fire for such any-time, for-any-reason interest rate increases at a time when consumers are buckling under the weight of debt. Outraged consumers have complained of mistreatment from the same companies that have been receiving federal bailout money.

The Senate bill, written by Banking Committee Chairman Christopher J. Dodd (D-Conn.), would also restrict the ability of college students to get credit cards and require card companies to make contracts easier to understand and available online.

The House bill, authored by Rep. Carolyn B. Maloney (D–N.Y.), largely mirrors regulations passed by the Federal Reserve in December that would ban many so-called unfair and deceptive practices. Both the House and the Fed's efforts are considered weaker than the Senate bill. Analysts and industry insiders said the fact that the Senate bill received so many votes is a good indication that it will make it to Obama.

The Federal Reserve's new rules do not go into effect until July 2010. The House and Senate bills seek to accelerate that timeline. The Senate bill would be enacted nine months after signing and the House bill 12 months after.

I want to mention one final thing. The gentlelady from California said that Senator COBURN's amendment was misplaced. I want to say that it's well-placed, and when that comes up, I want to urge the Members to support it and to vote ''yes.'' I applaud the action taken by Mr. COBURN in the Senate. I think it's important to law-abiding citizens who want to exercise their Second Amendment rights.

The gentleman from Washington (Mr. HASTINGS) pointed out that one Federal judge in one district in Washington arbitrarily, through a ruling, confused the law and changed the law—law by judge. I want to associate myself with the remarks of the gentleman from Washington. The Coburn amendment will provide uniformity on regulations governing the possession of firearms in national parks and refuges, which is of particular concern in carry and in right-to-carry States.

In my own Alabama, a citizen could be exercising his State-granted, concealed carry right and then enter into, for example, the Cahaba River National Wildlife Refuge, in my district, and be subject to a violation of Federal regulations, requiring weapons to be unloaded and to be kept out of reach.

I've cosponsored the National Parks Firearm Bill here in the House to address what is a patchwork of regulations. To me, it would be a violation of the Constitution and of our Forefathers' intent if someone exercising his Second Amendment right were to suddenly cross a line, go into a national park and find himself facing a Federal judge and a fine because of the uncertainty.

I urge my colleagues to vote ''yes'' on the Coburn amendment, which would eliminate the conflicting Federal regulations and would allow honest citizens to carry firearms in national parks and in wildlife refuges.

□ 1330

I urge each of my colleagues—and I know that credit card companies are not very popular—but I urge them to look at those Federal proposals that are going into effect with or without this bill and decide whether they want to roll the dice on legislation that could very well in the next few months result in greater costs and fees.

Yes, there are very many good things in this bill. I say that to the gentlelady from New York and the gentleman from Massachusetts, the chairman. Very good things. But I think that 99 percent of them are contained in the proposals by the Federal Reserve that will be implemented and have been carefully thought out.

Mr. FRANK of Massachusetts. I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you very much for yielding. I want to speak in favor of the bill and very adamantly opposed to the amendment. I think people are just misaddressing the whole issue. National parks have the significance of being national. And if you think that it's okay to carry guns in national parks, why not carry them into the National Cemetery, into the national White House, into the national Capitol, into the National Arboretum. The list goes on and on. This is a dumb amendment—and Congress should be embarrassed that we have to vote on it.

People go to the national parks for a specific purpose—to enjoy the serenity of wildlife. Now you're going to have some gun nut come in there and see something rustling at night and decide that maybe, Oh, I'm being attacked by a wild animal, or maybe something is going on out in the bushes.

There are going to be problems with this. It doesn't make any sense. This is a credit card bill. And there's no purpose in the credit card bill to have a gun bill.

We talk a lot about pork in this House. I think this is an act of chicken.

Anyway, this is a bad amendment, and I hope that you'll vote ''yes'' on

the first vote and ''no'' on the second vote.

Mr. HENSARLING. Mr. Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 4½ minutes and the gentleman from Massachusetts has 16½ minutes.

Mr. HENSARLING. Mr. Speaker, I yield myself the balance of our time.

First, Mr. Speaker, I don't spend all of my time observing the processes and procedures and ways of the other body so I don't know how these two particular issues managed to get commingled. Having said that, I can't think of any bad time to stand up for the Second Amendment rights of our citizenry. Again, it appears to me that one lone, perhaps rogue Federal judge has tried to put a dent into the Second Amendment rights of our citizens.

I was happy in the last Congress to introduce H.R. 5434, the Protecting Americans from Violent Crime Act, that would have taken care of this issue. Again, this is a bedrock principle embedded in our Constitution. The citizens need to have their right to keep and bear arms protected, even on this Federal property, particularly when incidences of violence at Federal parks has shown increases, upticks. But regardless, we cannot allow the Constitution of the United States to be amended in such an unconstitutional fashion. So I'm happy to raise my voice in support of that.

Back to the credit card issue at hand—and I will try not to use the entire 4½ minutes. We have had testimony from the Congressional Research Service, we have had testimony from academics, we have had testimony from community bankers. We have seen the history. We have seen the history of what has happened in Great Britain.

There are huge unintended consequences associated with this legislation. The people who pay their credit card bills in full, on time, are about to be punished. They will be forced to bail out those who don't. They will end up paying annual fees. They will end up paying higher interest rates. They will see such things as member rewards programs contract.

I believe this to be patently unfair, Mr. Speaker, and it will be caused by this legislation. Again, I think the intentions are pure. I think the intentions are noble. But such will be the consequences of this legislation.

In the middle of a huge credit crisis we will take credit cards away from people who desperately need them. We will end up taking them away from families like the Blanks family of Fruitdale in the Fifth District of Texas, who wrote to me, ''Congressman, my new business would not have been started if not for my credit and credit cards. My existing job will be gone, and it is forcing me to do what I really want to do anyway.'' He goes on to say, ''I couldn't have achieved the American Dream without credit cards.''

I fear under this legislation that families like the Blanks family of Fruitdale will lose their credit cards.

I heard from the Vehon family in Rowlett, also in the Fifth District of Texas. ''In the fall of 2004, my wife and I were laid off from our jobs at the same time. Needless to say, the layoff was quite a shock, and without access to our credit cards at the time, frankly, I don't know what we would have done.

''Due to the flexibility that credit cards can supply to responsible people in challenging times like I have described, we were able to stay pretty current on our bills.''

I heard from the Juarez family in Mesquite, Texas, that I have the honor of representing in Congress. ''I oppose this legislation, as I have utilized my credit cards to pay for some costly oral surgeries. I do not want to get penalized by this legislation for making my payments on time.''

Again, Mr. Speaker, this legislation is not fair to the Juarez family, it is not fair to the Vehon family, it is not fair to the Blanks family, it is not fair to millions of other families across our land who desperately need their credit cards. And I urge that we reject this conference report.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume. Let me begin by responding to the gentleman from Texas' reference to small business. The National Federation of Independent Business supports this bill. So the suggestion that this will somehow have a negative effect on small business is repudiated by the active support for the bill of the organization that has generally been identified as the major spokes-organization for that, the National Federation of Independent Business.

Secondly, there was a premise here that I find very faulty. The gentleman from Texas quoted the New York Times and others, and they have said—Mr. Speaker, I'm going to interrupt myself at this point, if I may. The chairman of the Appropriations Subcommittee on the Interior has come in. I assume he wanted to speak.

I will now yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Thank you, Mr. Chairman. I rise in strong opposition to the Coburn amendment, which was adopted in the other body. It will make our parks less safe. According to the FBI, our national parks currently are among the safest place in the country. The current regulations were put in place by Ronald Reagan and James Watt, and what they want to do here is change that. I think it's a big mistake.

There were only 1.65 violent crimes per 100,000 visitors in 2006. Compare that to nearly 470 violent crimes per 100,000 for the nationwide average. Clearly, the argument that these guns are needed for visitors to be safe is simply not true.

The Coburn amendment would allow many everyday disturbances, especially if alcohol is involved, to spin out of control towards a possibly lethal end. The dedicated park rangers and wildlife refuge staff would be put at risk and their jobs would become even more difficult. Also, wildlife will be at risk with increased poaching if visitors are able to carry loaded weapons into the parks. In addition to more poaching, vandalism would increase, putting fragile natural resources at risk.

The former rangers, the former retirees from the Park Service have all stated unanimously that this thing is not needed. I think that it would be upsetting for many visitors to the parks to know that they run a risk of an encounter with someone who's carrying a loaded gun.

With the number of school groups who visit these places, it would be a real shame that their attendance drops due to the fear of loaded weapons.

So I strongly, as chairman of the Interior and Environment Appropriations Subcommittee, oppose this amendment and urge it to be struck from this legislation, and I thank the chairman for yielding.

Mr. FRANK of Massachusetts. I yield myself such time as I may consume. I repeat, the National Federation of Independent Businesses says this is good for small businesses, this bill, because they have been victimized. It will in no way cause there to be a failure to offer a credit card to a business that can pay it back. Nothing in this bill remotely suggests that.

There was also, as I said, a somewhat implausible argument. The New York Times quoted people in the credit card industry saying, If you do this, we won't like it, and we may raise rates.

The notion that if we pass this bill rates will be raised on the great majority makes this mistake. The assumption is that there is money now laying on the table that the beneficent credit card companies voluntarily forgo. Under the principles of free enterprise, the business is legally entitled and motivated to charge as much as it can. That argument only makes sense if you think they are voluntarily reducing money that they could get from some of the customers. Of course, they're not. No one expects them to.

But the most important thing here is the conflict that I see in my friend on the other side. The gentleman from Alabama repeatedly said what we should do is stick with the Federal Reserve's rules. The gentleman from Texas, as I heard him, didn't say that.

There's a difference here. This is a case—and maybe they caught it, and maybe not. It may be one of those cases where the right hand doesn't know what the far-right hand is saying. Because to the extent that there is any restriction on rates, it is identical in the Federal Reserve's rules as in this bill.

So there is a fundamental difference between the approach taken by the

gentleman from Alabama and the gentleman from Texas. The gentleman from Alabama says, Adopt what the Fed said. The gentleman from Texas specifically objected to that provision in our committee. And what the New York Times article is aimed at—the quotes from the credit card people—is that provision that's in the Federal Reserve.

By the way, it does nothing to cap interest rates going forward. That is a straw argument. The only restriction on rates here, on interest rates, is to say that you cannot raise them retroactively.

Now the Federal Reserve also says that. So the gentleman from Alabama agrees. The gentleman from Texas, who's an honest believer in no restrictions, says ''no.'' In fact, in our committee debate he cited an example of when he thought a company would be justified in raising rates retroactively.

He said, Suppose someone owes a company interest on debt already incurred and has been meeting the regular scheduled payments, but either goes to prison or loses his or her job. The gentleman from Texas said, If you have been paying the credit card company on a regular basis, and you lose your job, they should be legally allowed to raise the rates on what you already owe them.

We disagree. So does the Federal Reserve. So, apparently, does the gentleman from Alabama, because he supports what the Federal Reserve says.

Mr. HENSARLING. Will the gentleman yield?

Mr. FRANK of Massachusetts. I will yield to my friend from Texas.

Mr. HENSARLING. Was that not already embedded in the legislation, in that one of the four opportunities for credit card companies to raise interest rates retroactively is when people don't meet their workout plans. Would that not be one of the reasons?

Mr. FRANK of Massachusetts. The gentleman is quite wrong. I said—and he didn't listen, as he may not have listened to the gentleman from Alabama, because he didn't express disagreement with him—I said, If people are meeting their obligation under the bill that we put forward and under the Federal Reserve's rules, if you're meeting your obligations, if you're making your payments on time, they cannot raise your rates retroactively.

I see members of the staff checking it out. They will find out what I'm saying is accurate.

If you are meeting your obligations, you cannot have the rate raised. What the gentleman from Texas said is, Suppose you lose your job. Well, losing your job, if you are otherwise meeting your obligations, should not mean that they can raise your rate retroactively. We are only talking about in this bill retroactive raises. There is no limitation going forward.

Now the gentleman from Alabama also said, Well, if the Federal Reserve is right—the gentleman from Texas doesn't like what the Federal Reserve did—the gentleman from Alabama said, If the Federal Reserve is right, why don't you stop there?

□ 1345

Because we do some things the Federal Reserve doesn't do, one. Two, because many of us believe—and I have to say, my conservative friends flip-flop on the Federal Reserve issue with a speed that dazzles me. Sometimes the Federal Reserve is this undemocratic institution which people worry about. Other times we should delegate significant legislative authority to them.

I'm glad they acted. By the way, the Federal Reserve only acted after party control of the Congress changed. In 2007 we began to move on this, and then they acted.

There's another side point. Let me say this. Several of my colleagues said, Well, this has got good stuff in it. It's got disclosure. You know, if the Republicans, when they were in the majority, had broken out of this absolute slavish assumption that no regulation is ever any good, in effect—they don't say it quite like that, but that is the practical effect—if they had, when they were in power from 1995 to 2006, passed something that had the good parts of this bill, we might have not been here today on this bill because that might have chastened the companies. So they now find things in this bill that they like, but they refuse to do them. The gentleman from New York was pushing for some of this.

During their 12 years—and by the way, that's a pattern. During the 12 years of Republican rule, there were no financial regulations. There was some deregulation. There was nothing about the subprime or credit cards. We came to power and have begun to deal with it. We are dealing with the negative consequences of lack of regulation.

But to go back to the point, we go beyond the Federal Reserve. There is one area where, regrettably, we don't go beyond the Federal Reserve. The gentleman from Alabama correctly noted that our colleague from Illinois (Mr. SCHOCK) had a good amendment involving your credit rating. Unfortunately, while we accepted that amendment, it was left out of the final bill because of the objections of the ranking Senate Republican, the gentleman from Alabama, Mr. SHELBY.

I fought for the inclusion of the gentleman from Illinois' amendment. I spoke to him. I urged him to join in, but it was reported to me by the leadership of the committee that that amendment from the gentleman from Illinois was unfortunately rejected by the objections of Mr. SHELBY. So we didn't get that one.

We did get a very good amendment that the Federal Reserve didn't have, sponsored by the gentleman from North Carolina (Mr. JONES), to require that the estate of a decedent be correctly done. We also have some rules in here about not sending credit cards to people under 18.

By the way, the notion that this market works perfectly is somewhat rebutted by the fact that we're told that one of the crises now coming is credit card debt that's going to be a problem, securitized credit card debt because there were some imprudent things. So if this bill means that there will be some credit cards that won't be issued, good. Because they have been imprudent in doing that. But people who pay will not have a problem.

So just in summary, this bill does not restrict credit card interest going forward. Maybe that's what they did in the United Kingdom. It does not interfere with small business, in the opinion of the National Federation of Independent Business. It agrees with the Federal Reserve that you should not raise rates retroactively. On that one, it's the gentleman from Alabama, the Federal Reserve, and myself; the gentleman from Texas and some others who are on the other side, a legitimate difference of opinion. But we also have some consumer protections not in what the Federal Reserve did.

I would also say, this notion that we should leave public policy to the unelected Federal Reserve and that Congress should not step in also and act I think is one that underestimates the role of elected officials and democracy in our country.

Now I disagreed with the gun amendment. I wish it hadn't been in there. I don't control the rules in the Senate. I intend to vote against it. In my judgment, the value of the credit card bill outweighs the harm that I think that would do. I would say, some Members on the other side may have a dilemma. Many of them strongly welcomed the amendment of the gentleman from Oklahoma. But understand that unless both pieces pass, nothing passes. So no matter how strongly you support the gentleman from Oklahoma's amendment, if Members succeed in defeating the credit card part of it, that fails.

I do have to caution them that the Federal Reserve cannot come to their rescue, as they are prone to have it do. They may want to delegate legislative powers to the Federal Reserve. I don't. But I do not think the Federal Reserve, in the most expansive reading of section 13(3), can mandate that you carry a gun in a national park.

So, Mr. Speaker, I hope that the credit card part passes, that the gun part does not; but in any case, I hope that this bill is sent to the President.

Ms. McCOLLUM. Mr. Speaker, I rise today in strong support of a "gun free" Credit Cardholders' Bill of Rights, a bill which is intended to protect American consumers and requires financial institutions to work responsibly with their customers. This legislation will eliminate the most egregious billing excesses imposed on customers and protect them from extreme fees and penalties. I commend Congresswoman MALONEY and Chairman FRANK for their leadership to pass this important legislation.

Unfortunately, Credit Cardholders' Bill of Rights was returned to the U.S. House tainted

by an irresponsible amendment offered by Senator TOM COBURN and supported by sixty-six other U.S. Senators clearly more interested in their National Rifle Association rating than public safety. Senator COBURN's amendment to allow people to carry loaded, concealed firearms in America's National Park System is nothing short of insane and a political game played at the expense of millions of families who will visit our national parks seeking enjoyment, recreation, and peace. By permitting loaded guns in national parks, the Coburn amendment endangers the safety of park visitors, park rangers, and wildlife.

America's national parks are some of our country's most precious national treasures. Our national parks are not only the millions of acres of wild lands but also include urban parks like New York's Statue of Liberty and the National Mall and Lincoln Memorial in Washington, DC—just footsteps from the U.S. Capitol. What rationale is there for the need to carry a concealed weapon on the steps of the Lincoln Memorial? The only rationale can be for politicians to score political points with the NRA.

Families and foreign visitors to our national parks should be worried, I am. Individuals carrying loaded, concealed weapons would be allowed to attend ranger-led hikes and campfire programs along with families. Park Rangers, who are already the most assaulted federal officers in the country according to the National Parks Conservation Association, would face even greater life threatening safety risks. And park visitors would no longer have the assurance that our national parks are safe, secure places for themselves and their families.

I am not alone in this position. Last year, in a letter to the Secretary of Interior, seven former directors of the National Park Service voiced strong concerns with allowing loaded guns in national parks, citing increased risk of poaching, vandalism of historic resources, and risk to visitors. The Association of National Park Rangers and U.S. Park Rangers Lodge, Fraternal Order of Police, have stated that allowing visitors to carry readily-accessible, loaded firearms would impede both their safety and the ability to keep our parks safe.

This is a shameful example of the failure of the legislative process and I would urge President Obama to veto the Credit Cardholders' Bill of Rights and send it back to Congress to take the guns out.

Mr. MICA. Mr. Speaker, though I found several provisions in this bill today to be good, I am afraid that in the long-run this legislation will hurt credit card consumers, so I reluctantly voted against it.

Some worthwhile provisions of note include consumer protections. Raising interest rates without fair and timely notice is wrong, as is applying a penalty interest rate to your existing debt. Another good provision provides for adequate time to receive and pay your bill on time using the mail. I particularly liked the section that protects young people from getting in over their heads before they even start adult life.

My concerns are that there will be fewer credit cards and less credit to individuals and businesses that need it. Fees will go up on those who tried to pay on time.

I am afraid this bill in the end will extend our recession, cost those who currently hold cards more and deny those seeking cards access to the credit they need very badly.

Mr. FRANK of Massachusetts. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 456, the previous question is ordered.

The question of adoption of the motion is divided. The first portion of the divided question is: Will the House concur in all of the provisions of the Senate amendment other than section 512?

The question is on the first portion of the divided question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the first portion of the divided question, that is, concurring in all but section 512 of the Senate amendment will be followed by 5-minute votes on the second portion of the divided question, concurring in section 512 of the Senate amendment, if ordered; and suspending the rules and agreeing to House Resolution 297, if ordered.

The vote was taken by electronic device, and there were—ayes 361, noes 64, not voting 8, as follows:

[Roll No. 276]

AYES—361

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—64

Bachus
Bishop (UT)
Blackburn
Boehner
Bonner
Brady (TX)
Broun (GA)
Burton (IN)
Cantor
Carter
Chaffetz
Coble
Conaway
Davis (KY)
Deal (GA)
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Goodlatte
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Inglis
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latta
Linder
Lucas
Mack
Marchant
McCarthy (CA)
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Poe (TX)
Price (GA)
Roskam
Royce
Ryan (WI)
Scalise
Sessions
Shadegg
Smith (NE)
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Westmoreland

NOT VOTING—8

Bachmann
Barrett (SC)
Braley (IA)
Hinojosa
Polis (CO)
Sánchez, Linda T.
Speier
Stark

□ 1415

Messrs. NUNES and GARY G. MILLER of California changed their vote from ''aye'' to ''no.''

Messrs. BILBRAY, MINNICK, RADANOVICH, AKIN and GINGREY of Georgia changed their vote from ''no'' to ''aye.''

So the first portion of the divided question was adopted.

The result of the vote was announced as above recorded.

So the first portion of the divided question was adopted.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 276, had I been present, I would have voted "aye."

The SPEAKER pro tempore (Mr. HOLDEN). The second portion of the divided question is: Will the House concur in section 512 of the Senate amendment?

The question is on the second portion of the divided question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROGERS of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 279, nays 147, not voting 7, as follows:

[Roll No. 277]

YEAS—279

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachus
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carney
Carter
Cassidy
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hodes
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Paul
Paulsen
Pence
Perlmutter
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Scalise
Schauer
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Walz
Wamp
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—147

Abercrombie
Ackerman
Andrews
Baird
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castle
Castor (FL)
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards (MD)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kirk
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Olver
Pascrell
Pastor (AZ)
Payne
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Slaughter
Snyder
Sutton
Tauscher
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—7

Bachmann
Barrett (SC)
Braley (IA)
Polis (CO)
Sánchez, Linda T.
Speier
Stark

□ 1424

Messrs. HINOJOSA and DAVIS of Illinois changed their vote from ''yea'' to ''nay.''

So the second portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KENNEDY. Mr. Speaker, it was my intention to vote "nay" on question of passage of Senate Amendment 512 of H.R. 627 (rollcall vote 277). I case a vote of "aye" in error. I strongly support regulations to restrict individuals from bringing concealed or loaded weapons into our country's national parks.

RECOGNIZING NATIONAL MISSING CHILDREN'S DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 297.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 297.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 10, as follows:

[Roll No. 278]

AYES—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole

Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Bachmann
Barrett (SC)
Braley (IA)
Frelinghuysen
Murtha
Polis (CO)
Rush
Sánchez, Linda T.
Speier
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LUJÁN) (during the vote). There is 1 minute remaining.

□ 1433

Mr. JOHNSON of Georgia changed his vote from ''no'' to ''aye.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 627 and include extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERSONAL EXPLANATION

Mr. MEEKS of New York. Mr. Speaker, on roll call No. 277, I inadvertently voted ''aye.'' I meant to vote ''nay.'' I want the RECORD to properly reflect that.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 457 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2352.

□ 1435

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELAZQUEZ. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise in support of this measure which will update and improve the SBA's ED programs. This bill is a bipartisan product and will not only strengthen small firms but will help them create new jobs for American workers.

This week, we are honoring our Nation's job creators, the entrepreneurs who generate roughly 70 percent of all new positions. As we celebrate Small Business Week this year, we find ourselves in a different place than in celebrations past. The economic landscape has changed considerably, and in the face of an historic recession, small firms cannot always go it alone. After all, starting and running a small business is no easy lift, even when times are good. That is why the Job Creation Through Entrepreneurship Act is so important. It revs up the engine of our economy, the entrepreneurs who are creating jobs and changing the way our country does business.

This bill gives small firms the tools they need to flourish. By enhancing SBA's entrepreneurial development programs, it will help existing businesses grow and allow aspiring entrepreneurs to get off the ground. These resources are critical. In fact, small firms that use them are twice as likely to succeed than those that don't. But unfortunately, many of these initiatives are outdated and underfunded. Today, we will take important steps to ensure they are running at full capacity.

Despite declines in corporate America, the entrepreneurial spirit is alive and well. Every month, 400,000 new businesses start up across the country. Imagine if each of those firms had access to resources like business development training. Through H.R. 2352 they will. This bill provides entrepreneurs with the tools they need to do everything from draft a business plan to secure equity capital. These services put small firms on a level playing field, allowing them to compete in virtually any sector, including the Federal marketplace.

Although most industries are struggling, the Federal marketplace is booming. With billions of stimulus dollars now in play, that sector presents

enormous opportunity for entrepreneurs. But before they can crack the industry, small firms will need to know its ins and outs. H.R. 2352 provides the training they need to do so. It also offers the necessary technology.

In order to adapt to new markets, many entrepreneurs will need to retool their operations. Through cutting-edge technology programs, this bill allows entrepreneurs everywhere to access the information they need. In doing so, it encourages entrepreneurship in places where it might not otherwise grow. For struggling rural regions and inner cities, H.R. 2352 will be an economic catalyst. It will also reflect the changing face of American business. More and more, women, veterans, and Native Americans are starting their own firms. For these people, entrepreneurship is more than a means of employment; it is a path to economic independence.

From rejuvenating rural regions to promoting entrepreneurship in underrepresented communities, ED makes good economic sense. And in fact, every $1 put into the program puts another $2.87 into the Treasury. If you ask me, that's a pretty good return on investment. By modernizing and enhancing the program, the returns will only get better. Because at the end of the day, strengthening entrepreneurial development programs empowers small businesses, allowing them to grow and, perhaps most importantly, create new jobs for American workers.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009. This legislation reauthorizes some of the SBA's most critical programs, those that prepare America's entrepreneurs to start and maintain successful small businesses.

The Small Business Administration, or the SBA, accomplishes this important mission through its Office of Entrepreneurial Development and its use of programs such as Small Business Development Centers, or SBDCs; the Women's Business Centers, WBC; the Service Corps of Retired Executives, or SCORE; the Office of Veterans Business Development; the Office of Native American Affairs; and its distance learning program. These programs have not been reauthorized in a comprehensive way in nearly 10 years, and given the changes in the economy, it is long overdue.

Starting and maintaining a successful business has always been a daunting task, fraught with unforeseen and unavoidable problems and pitfalls for American entrepreneurs. In the past, a solid business plan, a loan from friends or a banker that you knew and good old-fashioned hard work was a recipe for success. The entrepreneurial development programs at the SBA were available to assist fledgling and seasoned small business owners in navigating the difficult entrepreneurial terrain of developing a business plan and growing their businesses.

However, times are more difficult now. Financing is harder to get. Competition does not just come from the business down the street but comes from businesses all around the world. In acknowledgment of these new challenges and their need for immediate attention, the Job Creation Through Entrepreneurship Act of 2009 addresses the changing climate for entrepreneurs and makes minor tweaks to programs that have a record of success.

These programs are even more critical today as the country's economy is more focused on small businesses. As more large corporations begin to close or downsize, many more Americans have chosen to go into business for themselves and are in need of the type of guidance the entrepreneurial development programs at the SBA provide.

But it is not just fledgling entrepreneurs and those downsized from large corporations who have the desire to run their own businesses. When the men and women who have chosen to serve their country honorably in the armed services leave, they are faced with beginning new careers. Often they choose to serve their country in another way. These Americans frequently choose to open up a small business and contribute to the growth of America's economy. For these great Americans, we must provide them with the very best training to make their transition to civilian life as equally secure.

This bill seeks to expand and improve the educational and training resources provided by the SBA to our veterans. Although the SBA currently runs a veterans outreach and education program, no such program is authorized under the Small Business Act. This legislation would correct that and expand the number of centers available to serve our veterans. It is a small price to pay for the sacrifice they have made for us.

Many aspiring entrepreneurs live in rural areas or work out of their homes. Neither may have access to physical locations at which the SBA and its partners offer education and training. Given today's technology, we can provide these entrepreneurs with appropriate education through quality distance learning programs. H.R. 2352 requires the SBA, working with private vendors, to develop online courses that will educate entrepreneurs about starting and expanding their businesses, including having the opportunity to obtain online counseling from other business owners.

Often forgotten are our Native Americans located in very remote areas of the country. They, too, can contribute to economic growth if they have access to education and training programs offered by the SBA. H.R. 2352 codifies the Office of Native American Affairs at the SBA and directs that office to expand its service to Native Americans through the use of Tribal Business Information Centers. These centers will provide entrepreneurial education programs that meet the unique needs of Native Americans.

The broadest effort at entrepreneurial development is the Small Business Development Center program, a joint program between the SBA and institutions of higher learning. Changes in the bill modernize the management and establish, without risk to core funding, competitive grant programs designed to provide businesses with the best practices for things such as raising capital in constricted lending markets.

Half of all small business owners are women. Many small business owners who are women have benefited from training they have received at Women's Business Centers over the years and, as a result, have made great contributions to their communities. This bill makes several changes to the Women's Business Centers to ensure that they are functioning at their optimum level and reaching as many women as possible. In addition, the bill also makes provisions to ensure that the centers are on a sound path to self-sufficiency.

□ 1445

This will free up funds to allow new centers to open and serve areas not currently served by the Women's Business Centers.

These entrepreneurial programs frequently rely on the dedication of volunteers. Advice from executives, whether active or retired, proves invaluable to small business owners.

The SCORE Program at the SBA oversees a core of 11,000 knowledgeable volunteers willing to offer guidance to small business owners. It is an effective program that should offer more services. H.R. 2352 does just that by expanding the ability of SCORE to offer greater outreach and improved counseling to small business owners.

It is obvious that the SBA operates a number of entrepreneurial development programs. Many provide an overlapping service. While it is important to ensure that small businesses are receiving the necessary training, it is also important that these programs operate in the most efficient manner possible. And this bill before us requires the SBA to increase its oversight of these programs, improve coordination, eliminate waste and duplication.

Mr. Chairman, this legislation makes critical changes to vital programs at a critical time. And, in short, this bill sharpens already existing tools employed by the SBA to cultivate one of our Nation's greatest natural resources, its entrepreneurs. Mr. SHULER and my fellow Missourian, Mr. LUETKEMEYER, should be commended for their work on this bill. And I would like to thank the chairwoman very much for her bipartisan efforts in moving this key bill through the committee. I'd also like to thank Ms. FALLIN, Mr. BUCHANAN, Mr. SCHOCK and

Mr. THOMPSON for their vital contributions to this legislation. And I'd encourage my colleagues to support this important legislation with me.

Mr. SHULER. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I want to commend the chairwoman for her extraordinary leadership in the Small Business Committee, along with Ranking Member GRAVES, their hard work, their dedication and truly working in a bipartisan way. Far too often here in Washington, it's too much partisanship. But within this committee we're seeing the great leadership and the great work of Chairwoman VELÁZQUEZ.

Also I would like to congratulate the ranking member on the subcommittee, Mr. LUETKEMEYER, for his outstanding work and all the members and staff and their hard work and their dedication on this very important legislation that can help us get out of the recession through the work of our small businesses.

Mr. Chairman, as we observe Small Business Week, we have an opportunity to not only celebrate small businesses but to strengthen them.

Entrepreneurs are the beating heart of the American industry. They don't just create jobs, more jobs than big businesses, they unlock more new markets and create more products. Entrepreneurs generate 60 to 80 percent of all new positions and are the most effective drivers of the economic growth.

At a time when big companies are slashing their work force, we need to invest in businesses that are creating jobs, not cutting them. Entrepreneurial development programs or ED, do just that. And the benefits don't stop at small business community.

Every dollar spent on these initiatives drives another $2.87 back into the economy. In 2008 alone, ED programs pumped $7.2 billion into communities across the country. They also laid the groundwork for 73,000 new jobs.

Small businesses have a history of sparking recovery. The Job Creation Through Entrepreneurship Act will give them the tools they need to succeed. As the name suggests, the Job Creation through Entrepreneurship Act, or H.R. 2352, focuses on the job creators. It will give existing firms the tools necessary to succeed and allow new businesses to get off the ground.

That's important because small firms can pull us out of this recession. After all, they did it in the mid-1990s. At that time small firms created 3.8 million jobs, ushering in an era of prosperity.

Today, national unemployment is on the rise. By 2010, it is expected to reach 9.8 percent. In my home State of North Carolina, it's already 10.8 percent. That is why H.R. 2352 is so important. It incentivizes our job creators so they can put Americans back to work.

Small Business Administration ED programs are critical resources. Small firms that use these services are twice as likely to succeed. This legislation takes important steps in strengthening ED. ED helps entrepreneurs do everything from draft business plans to access capital. It also encourages entrepreneurship within underrepresented groups and underserved communities.

H.R. 2352 includes language to encourage veterans and Native American business ownership. It modernizes SCORE, makes improvements to the Women's Business Centers and establishes distance learning initiatives.

As we celebrate Small Business Week, I can't imagine a better time to invest in entrepreneurs. They are all a very vital and very important part of our economic recovery, not only in this year but in decades to come. Small businesses have sparked recoveries in the past, and with the proper tools, will do it again in the future.

I strongly urge and support H.R. 2352.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I now yield such time as he may consume to the ranking member of the Finance and Tax Committee, Mr. BUCHANAN from Florida.

Mr. BUCHANAN. I want to thank the chairwoman and the ranking member for including my legislation, the bill to modernize SBA's SCORE Program, into the larger bill before us today.

For years, SCORE Program has been providing entrepreneurs with free, confidential and valuable small business advice. Nationwide, SCORE has 389 chapters throughout the United States, nearly 11,000 volunteers.

Locally, I know it has had a huge impact on our small business community. They do a lot to help them, especially with small business planning, which is critical to starting any kind of business today.

Small business creates 70 percent of all the new jobs, not only in our market, but throughout Florida. Their success is vital to our economy, and we need to do everything we can to ensure their success. And this bill helps that.

My legislation will help ensure that qualified SCORE volunteers are available to provide one-on-one advice and counsel to small business owners in Florida and across the country.

Again, I want to thank the chairwoman and the ranking member for giving me this opportunity today.

Mr. SHULER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Chairman, I rise today as a cosponsor and strong supporter of the Job Creation Through Entrepreneurship Act of 2009. And I want to thank the chairwoman, the ranking member and the subcommittee chair and Republican ranking member on the subcommittee for this bipartisan effort.

A strong small business community is critical to rebuilding our economy, to create the good-paying jobs that stay here in the United States. However, as a small business owner myself, I know firsthand that America's entrepreneurs often need assistance, whether it be accessing capital, procuring contracts or marketing their firms.

Entrepreneurial development programs have a proven track record of successfully providing businesses with this type of assistance. However, they have not been modernized in over a decade to meet today's small business needs. This is especially important for groups that are underrepresented in the business world, such as women, minorities, and veterans.

For example, the Veterans Business Outreach Program is designed to provide entrepreneurial development services, such as business training, counseling, mentoring, and referrals for eligible veterans owning or considering starting a small business.

It was my amendment in the Small Business Committee that will allow members of the National Guard and Reserve to also access this important program. As we have seen from the wars in Iraq and Afghanistan, these brave men and women can be deployed for months and then struggle when they return home to their business or job.

The Job Creation Through Entrepreneurship Act improves current programs. In this case, it gives all those who have bravely served our country in uniform the tools to start and grow their own business.

Mr. Chairman, we are here today because we understand that small business is critical, not only to creating jobs, but to driving our Nation's economic recovery. Small business development and growth is crucial to aiding our economic recovery in this Nation.

For this reason, in the middle of National Small Business Week, I urge my colleagues to join me in supporting the Job Creation Through Entrepreneurship Act.

Mr. GRAVES. Mr. Chairman, I now yield such time as she may consume to the gentlelady from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Chairman, I too would like to offer my support for H.R. 2352, the Job Creation Through Entrepreneurship Act, and to thank Chairwoman VELÁZQUEZ and Ranking Member GRAVES for their work in crafting a bipartisan piece of legislation that incorporates several important pieces of small business legislation and work.

Especially at a time when our national economy is struggling, and the American people have asked us here in Congress to focus on economic recovery, this bill will provide important job creation opportunities for our Nation's entrepreneurs.

And I'd especially like to thank our chairwoman and our ranking member for allowing a piece of my legislation, H.R. 1838, the SBA Women's Business Centers Improvement Act, to be included in the Job Creation Through Entrepreneurship Act. This section of legislation adds accountability and transparency to the distribution of funding to Women's Business Centers to offer temporary assistance rather

than permanent dependency on the Federal Government.

The Women's Business Centers are an important part of the grant programs that are funded by the Small Business Administration. Today, Women's Business Centers all across the country are providing women entrepreneurs with much-needed technical assistance in starting and operating their own small businesses.

In the mid-1990s, the Federal Government began awarding grants to Women's Business Centers that were operating as nonprofit organizations in conjunction with institutions of higher learning. Originally these grants were intended to be awarded to business centers in their first 5 years, with the understanding that after this 5-year period had ended, the center would be financially self-sustaining. Although many of the Women's Business Centers did meet this goal, some did not, and for a variety of reasons. And, as a result, a greater percentage of the funding for this program has been consumed by the operating costs of the potentially unviable centers, rather than the intended purpose of establishing new women's business centers. The result has been a drag upon the system, and viable business centers that are not truly serving an unmet need in their community were allowed to continue on. And this has jeopardized the effectiveness and the viability of this entire program.

The SBA Women's Business Programs Act restores its original priorities held by the Federal Government when this program was originally enacted. By offering a three-tiered system of funding and lowered caps on spending for older business centers, we can assure a balanced percentage of the funding issues to support both new and existing business centers.

Modernizing the SBA entrepreneurial development programs will ensure small businesses have the opportunity to help lead our Nation out of this recession and into economic prosperity. The Job Creation Through Entrepreneurship Act is a huge step in the right direction and provides much-needed help to lend a helping hand to our Nation's small businesses.

And once again, in closing, I just would like to commend the chairwoman and the ranking member for working together in a bipartisan way to craft a piece of legislation that encompasses so many areas that will help our small businesses and our Nation, especially during the National Small Business Recognition Week.

Mr. SHULER. Mr. Chairman, I would like to inquire how much time is left on both sides

The CHAIR. The gentleman from North Carolina has 19½ minutes remaining, and the gentleman from Missouri has 19 minutes remaining.

Mr. SHULER. I yield 3 minutes to the gentleman from Virginia (Mr. NYE).

Mr. NYE. Mr. Chairman, I rise today in support of H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009. And I want to thank our chairwoman and our ranking member. I appreciate all your efforts to move this comprehensive package of legislation forward and especially want to thank our chairwoman for working with me on title I of the bill, the Veterans Business Centers Act, which will help our Nation's veteran entrepreneurs.

□ 1500

In my district, we have the second largest concentration of veterans of any congressional district in the country. My district is home to Norfolk Naval Base, the largest naval base in the world. In our community, there are countless veteran-owned businesses that are vital to the local economy.

The measure that we are considering today will give veteran entrepreneurs everywhere the support they need to launch new enterprises and to grow existing businesses. The cornerstone of this effort will be a new nationwide network of services dedicated to veteran entrepreneurs, called Veterans Business Centers, the first nationwide business assistance program for veterans. Establishing this network will provide veterans with dedicated counseling and business training, with access to capital and to securing loans and credit and with help in navigating the procurement process.

We know already, when they have access to the right tools, veterans can succeed in business, and I believe that we can build on what works and that we can expand access to these critical services. I strongly urge the passage of this bill.

Mr. GRAVES. Mr. Chairman, I now yield such time as he may consume to the gentleman from Illinois (Mr. SCHOCK), who is also the ranking member on the Contracting and Technology Subcommittee.

Mr. SCHOCK. Mr. Chairman, I rise today in support of H.R. 2352, the Job Creation Through Entrepreneurship Act.

I, too, wish to extend my appreciation to Chairwoman VELÁZQUEZ, to Ranking Member GRAVES, and specifically to the bill's sponsor, Mr. SHULER, for including not only my language in H.R. 1845 but also the proposals of five other Republican members on our committee. This is truly a bipartisan bill, and I think you'll see that the votes reflect it.

I introduced H.R. 1845, which seeks to modernize the Small Business Development Centers. Small Business Development Centers are commonly referred to as SBDCs. They provide emerging entrepreneurs with the tools they need to successfully take their business concepts into reality and also to provide existing small business owners with important financial and budgeting consulting to assist in long-term growth and management. Investments in the SBDC network provide a truly cost-effective way to help stimulate our economy while also enhancing American companies and our competitiveness around the world.

With all of the talk today about how we should stimulate growth and create long-term economic growth here in our country, we shouldn't look any further than where half of all Americans get their paychecks—with small business.

The facts speak for themselves. A new business is opened by a Small Business Development Center client every 41 minutes. A new job is created in the United States by a Small Business Development Center client every 7 minutes. In the year 2007, SBDC clients created over 70,000 new full-time jobs. With the current economic condition, more and more small business owners are visiting their SBDCs, seeking the advice on how to best manage their resources during the economic downturn. The bill also works to make the money that we are appropriating to SBDCs more efficient, and it also rewards those who have better outcomes.

For these reasons and many more, I urge passage of this bill and the Small Business Development Center Modernization Act legislation that is included in it.

Mr. SHULER. I yield 3 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I rise today to encourage my colleagues to support the Job Creation Through Entrepreneurship Act. This important piece of legislation will modernize and expand key economic development programs within the Small Business Administration.

As just one example, section 1 of this legislation establishes the Veterans Business Center program. Now, as many of my colleagues know, this is a program that is near and dear to my heart. Last session, I introduced legislation that was signed into law to help expand business opportunities for veterans and Reservists. The bill we are debating today builds upon my legislation, and it provides a dedicated funding stream to help ensure that our veterans and Reservists are afforded every opportunity for economic success at home.

So it is for this and for many other reasons that I encourage my colleagues to support this bill.

Mr. SHULER. Mr. Chairman, I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I would yield such time as he may consume to the gentleman from Missouri (Mr. LUETKEMEYER). He is a subcommittee ranking member. Along with Mr. SHULER, they were the cosponsors of the bill.

Mr. LUETKEMEYER. Mr. Chairman, I would like to thank the gentleman from North Carolina (Mr. SHULER) for his hard work in crafting this much needed small business legislation, and I would like to thank Chairwoman VELÁZQUEZ and Ranking Member GRAVES for their hard work and for allowing this thing to expeditiously go through the full committee.

Small business accounts for 70 percent of our Nation's jobs, and it provides an invaluable source of innovation to our economy. As we try to revive the slumping economy and put people back to work, wouldn't it only make sense to provide relief to our Nation's most productive job creators?

As a small business man myself, I am pleased to sponsor a bill that will assist the many small owners and employees throughout my district and the country. Two out of every three jobs are created by a small business, and like every recession before, small business will lead the way out of this recession into economic growth again. Rather than relying so heavily on the government to spend our way out of this recession, we need to focus on ensuring that our small businesses are able to utilize all of the resources already available.

This bill beefs up support services in key entrepreneurial development programs, making these programs more effective and responsive to the needs of small businesses and ensuring that existing programs are being used effectively and that duplicative government programs are done away with.

To be sure, an investment in entrepreneurial development programs yields strong returns. In 2008, the SBA entrepreneurial development programs helped to generate 73,000 new jobs and to bring in $7.2 billion to the economy. Some economists have estimated that every dollar invested in these initiatives returns $2.87 to our economy and helps these small businesses thrive.

Given that the biggest challenge facing small businesses right now is their ability to access credit, I am particularly pleased to support a bill that strengthens Small Business Development Centers, one-stop assistance centers for current and prospective small business owners, designed to assist small firms in securing capital and credit.

This bill moved promptly through the full committee and to the House floor. I am pleased with the bipartisan support this bill has received in the committee. I want to thank my colleagues for their careful and timely attention to the legislation that will give our small business owners the opportunity to grow and expand.

Mr. SHULER. Mr. Chairman, again, I would like to commend Mr. LUETKEMEYER, the ranking member, for his hard work, for his dedication, and for his true leadership in a bipartisan way on the subcommittee.

At this time, Mr. Chairman, we have no further speakers. I will reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, at this time, I would yield such time as he may consume to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I rise today to lend my support for this measure, H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009, and to express my sincere appreciation and thanks to Subcommittee Chair SHULER, to Subcommittee Ranking Member LUETKEMEYER, to Committee Chairwoman VELÁZQUEZ, and to Ranking Member GRAVES for their leadership on this bill, for their ability to work through regular order, and for encouraging debate and input from the members of the Small Business Committee, particularly Subcommittee Chair SHULER and Ranking Member LUETKEMEYER.

Coming from a long line of small business owners myself, I can attest to the many challenges that these entrepreneurs face on a daily basis. Never mind the challenges a person faces to get a business off the ground, once that business is running, it is often an uphill battle day after day to keep the doors open and the employees paid. During this time of economic downturn, there are many entrepreneurs throughout America who are facing start-up challenges who do not have the resources or the networks to provide the advice or the assistance that is required for them to be successful.

H.R. 2352 will provide entrepreneurs from all walks of life and geographic locations the ability to harness tools that would otherwise not be available to them. This bill provides a Veterans Business Center program within the SBA to provide entrepreneurial training and counseling to veterans. It utilizes technology to provide distance learning and peer-to-peer networking for those in rural and underserved areas. It enhances entrepreneurial programs for Native American populations, and it broadens the scope of the SBA's Women's Business Center.

During this time of economic downturn, we have the power to arm America's entrepreneurs with the tools to provide real stimulus for our economy and to get the country back to work. I certainly encourage my fellow colleagues to support H.R. 2352, a real smart government solution.

Ms. VELÁZQUEZ. Mr. Chairman, I have no further speakers if the ranking member is prepared to close.

Mr. GRAVES. I have no further speakers. I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to take this opportunity to commend the work of Mr. SHULER and Mr. LUETKEMEYER in putting together this bill. I would also like to commend the other members of the committee—Mr. NYE, Mr. BUCHANAN, Mr. SCHOCK, Mr. THOMPSON, Mrs. KIRKPATRICK, Ms. FALLIN, and particularly the ranking member, Mr. GRAVES—for all of their efforts and contributions in putting together this bipartisan product.

Entrepreneurs have much talent for job creation. In the last few months, much has been made of that ability and with good reason. As employment continues to climb, we need to be investing in the businesses that can put Americans back to work. The Job Creation Through Entrepreneurship Act of 2009 will do just that. That is why this bill is supported by groups as diverse as the American Legion, the Association for Enterprise Opportunity, the International Franchise Association, the National Association for the Self-Employed, the National Black Chamber of Commerce, the National Center for American Indian Enterprise Development, the U.S. Hispanic Chamber of Commerce, the U.S. Women's Chamber of Commerce, and the Veterans of Foreign Wars.

Already, the SBA's entrepreneurial development programs help small firms do everything from draft business plans to accessing capital. These services have been an invaluable resource for countless entrepreneurs, and they have led to the creation of hundreds of thousands of jobs. In fact, entrepreneurial development helped generate 73,000 new positions in 2008 alone.

Despite the program's inherent value, it is in sore need of modernization. Today, we are going to begin the process of turning it around. In doing so, we will ensure that small firms have the tools they need to spark a sustained recovery. What better time to reinforce the backbone of our economy than during Small Business Week. We can do more than celebrate our entrepreneurs. We can empower them and can help them play their unique role as an economic catalyst.

I will now yield to the gentlewoman from Illinois as much time as she may consume.

Mrs. HALVORSON. Mr. Chairman, thank you, and thank you, Mr. SHULER, for the opportunity to speak.

I rise today in support of H.R. 2352, the Job Creation Through Entrepreneurship Act.

Consideration of this legislation couldn't have come at a more critical time. During an economic downturn, many people start their own businesses because they are faced with few other options. They've lost their jobs; they can't find new employment, and they need to feed their families. Yet it is the start-up businesses that are most at risk for failure. The legislation we are considering today will give entrepreneurs and new business owners the tools that they will need to succeed.

As a member of both the Small Business and Veterans' Affairs Committees, I am especially pleased that this bill creates a new Veterans Business Center program under the SBA. I commend the gentleman from Virginia (Mr. NYE) for his hard work on this section of the bill.

The Veterans Business Centers will provide essential training and counseling to veteran business owners, including assistance in seeking Federal contracting opportunities. The bill includes an amendment I offered in committee to make surviving spouses of Armed Forces members and veterans eligible for assistance from the Veterans Business Centers.

As we celebrate Memorial Day next week, I can hardly think of a more fitting way to honor our men and women

who have served in uniform and to honor their families. I especially thank Chairwoman VELÁZQUEZ and Ranking Member GRAVES and Mr. SHULER for their strong, bipartisan leadership on this legislation.

I ask all of my colleagues to join me in supporting the Job Creation Through Entrepreneurship Act.

Mr. GENE GREEN of Texas. Mr. Chair, I rise today to show my support for the Credit Cardholder's Bill of Rights Act of 2009.

This bill is more important now than ever, because credit card practices have become a huge problem in our country.

Americans are saving less than they borrow on credit and the individual debt level is the highest it's been in decades.

Consumers should have as much information as possible when it comes to credit and finance policies and these policies should be easy to understand.

That is why I was an original cosponsor of the Credit Cardholders' Bill of Rights Act, which among other things, includes provisions to protect consumers against: arbitrary interest rate increases, early pre-payment penalties, due date gimmicks, and excessive fees.

It also provides better general oversight of the credit card industry.

This bill passed out of the House of Representatives on April 30, 2009 with my support and I am pleased to see that the Senate sent this bill back with even stronger consumer protections and moved its implementation date up 3 months.

I look forward to voting in favor of this bill, and I encourage my colleagues to do the same.

This is a chance for us to protect American consumers and rein in abusive credit card practices.

Mr. LANGEVIN. Mr. Chair, I rise in strong support of H.R. 2352, the Job Creation Through Entrepreneurship Act, which overhauls the Small Business Administration's entrepreneurial development programs and creates new services geared toward veterans and Native Americans. This legislation builds on SBA changes made in the American Reinvestment and Recovery Act, and it provides relief for small businesses and consumers who have been greatly affected by the credit crunch.

Small businesses are the backbone of America, and they are especially important to Rhode Island's economy. Now more than ever, Congress must support the growth of America's small businesses and help stimulate the real engine of our Nation's economy. In Rhode Island, there are many businesses that are passed down from generation to generation, and it is so important that these successful businesses have access to the tools they need to weather this economic downturn.

H.R. 2352 modernizes the Small Business Development Center Program by focusing on entrepreneurial development, broadens the Women's Business Centers Program by increasing counseling and training facilities, establishes the Veterans Business Center Program, formally establishes the Office of Native American Affairs, and improves the Service Corps of Retired Executives, a mentoring resource program.

This bill also creates a grant program specifically designed to assist small firms in securing capital such as the new small business lending generated under the American Reinvestment and Recovery Act. This measure also establishes a green entrepreneurial development program, which will provide classes and instruction on starting a business in the fields of energy efficiency or green technology. It will also create a procurement training program to help local small firms find suitable contracts and technical assistance on the federal procurement process.

American prosperity depends on the success of small businesses and the innovative spirit of the American people. I am committed to bringing relief to Main Street and to the small businesses that are struggling in our state, and urge my colleagues to support this bill.

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 2352, The Job Creation Through Entrepreneurship Act of 2009.

The American spirit of entrepreneurship is one of the key values that have made our nation great. As a former small business owner, I believe it is essential that we nurture these ventures and increase opportunities for more Americans to start their own business. Small businesses employ millions of Americans, and help form the backbone of our economy. These small businesses play an even more important role in today's struggling economy.

H.R. 2352 takes several steps to bolster and expand opportunities for entrepreneurs. This bill modernizes the Small Business Administration's (SBA's) entrepreneurial development programs so that these businesses can survive the downturn and help move our economy forward by creating jobs. H.R. 2352 provides small businesses with new tools to address their changing needs by bolstering Small Business Development Centers across the country. H.R. 2352 also expands opportunities to our nation's veterans by authorizing $10 million in FY 2011 and $12 million in 2012. These funds will be used to increase outreach facilities across the country and establish specialized assistance programs targeted to veterans. H.R. 2352 also includes increased counseling and training initiatives designed to increase business opportunities for women.

I support efforts to foster the American spirit of entrepreneurship and I support The Job Creation Through Entrepreneurship Act of 2009. I urge my colleagues to join me in voting for its passage.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Job Creation Through Entrepreneurship Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ESTABLISHMENT OF VETERANS BUSINESS CENTER PROGRAM

Sec. 101. Veterans Business Center program.
Sec. 102. Reporting requirement for interagency task force.

TITLE II—EDUCATING AND NETWORKING ENTREPRENEURS THROUGH TODAY'S TECHNOLOGY

Sec. 201. Educating entrepreneurs through technology.

TITLE III—ENHANCING NATIVE AMERICAN ENTREPRENEURSHIP

Sec. 301. Office of Native American Affairs; Tribal Business Information Centers program.
Sec. 302. Small Business Development Center assistance to Indian tribe members, Alaska Natives, and Native Hawaiians.

TITLE IV—BROADENING THE WOMEN'S BUSINESS CENTER PROGRAM

Sec. 401. Notification of grants; publication of grant amounts.
Sec. 402. Communications.
Sec. 403. Funding.
Sec. 404. Performance and planning.
Sec. 405. National Women's Business Council.

TITLE V—SCORE PROGRAM IMPROVEMENTS

Sec. 501. Expansion of volunteer representation and benchmark reports.
Sec. 502. Mentoring and networking.
Sec. 503. Name of program changed to SCORE.
Sec. 504. Authorization of appropriations.

TITLE VI—EXPANDING ENTREPRENEURSHIP

Sec. 601. Expanding entrepreneurship.

TITLE VII—MODERNIZING THE SMALL BUSINESS DEVELOPMENT CENTER PROGRAM

Sec. 701. Small business development centers operational changes.
Sec. 702. Access to credit and capital.
Sec. 703. Procurement training and assistance.
Sec. 704. Green entrepreneurs training program.
Sec. 705. Main street stabilization.
Sec. 706. Prohibition on program income being used as matching funds.
Sec. 707. Authorization of appropriations.

TITLE I—ESTABLISHMENT OF VETERANS BUSINESS CENTER PROGRAM

SEC. 101. VETERANS BUSINESS CENTER PROGRAM.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended—

(1) in subsection (f), by inserting ''(other than subsections (g), (h), and (i))'' after ''this section''; and

(2) by adding at the end the following:

''(g) VETERANS BUSINESS CENTER PROGRAM.—

''(1) IN GENERAL.—The Administrator shall establish a Veterans Business Center program within the Administration to provide entrepreneurial training and counseling to veterans in accordance with this subsection.

''(2) DIRECTOR.—The Administrator shall appoint a Director of the Veterans Business Center program, who shall implement and oversee such program and who shall report directly to the Associate Administrator for Veterans Business Development.

''(3) DESIGNATION OF VETERANS BUSINESS CENTERS.—The Director shall establish by regulation an application, review, and notification process to designate entities as veterans business centers for purposes of this section. The Director shall make publicly known the designation of an entity as a veterans business center and the award of a grant to such center under this subsection.

''(4) FUNDING FOR VETERANS BUSINESS CENTERS.—

''(A) INITIAL GRANTS.—The Director is authorized to make a grant (hereinafter in this subsection referred to as an 'initial grant') to each

veterans business center each year for not more than 5 years in the amount of $150,000.

''(B) GROWTH FUNDING GRANTS.—After a veterans business center has received 5 years of initial grants under subparagraph (A), the Director is authorized to make a grant (hereinafter in this subsection referred to as a 'growth funding grant') to such center each year for not more than 3 years in the amount of $100,000. After such center has received 3 years of growth funding grants, the Director shall require such center to meet performance benchmarks established by the Director to be eligible for growth funding grants in subsequent years.

''(5) CENTER RESPONSIBILITIES.—Each veterans business center receiving a grant under this subsection shall use the funds primarily on veteran entrepreneurial development, counseling of veteran-owned small businesses through one-on-one instruction and classes, and providing government procurement assistance to veterans.

''(6) MATCHING FUNDS.—Each veterans business center receiving a grant under this subsection shall be required to provide a non-Federal match of 50 percent of the Federal funds such center receives under this subsection. The Director may issue to a veterans business center, upon request, a waiver from all or a portion of such matching requirement upon a determination of hardship.

''(7) TARGETED AREAS.—The Director shall give priority to applications for designations and grants under this subsection that will establish a veterans business center in a geographic area, as determined by the Director, that is not currently served by a veterans business center and in which—

''(A) the population of veterans exceeds the national median of such measure; or

''(B) the population of veterans of Operation Iraqi Freedom or Operation Enduring Freedom exceeds the national median of such measure.

''(8) TRAINING PROGRAM.—The Director shall develop and implement, directly or by contract, an annual training program for the staff and personnel of designated veterans business centers to provide education, support, and information on best practices with respect to the establishment and operation of such centers. The Director shall develop such training program in consultation with veterans business centers, the interagency task force established under subsection (c), and veterans service organizations.

''(9) INCLUSION OF OTHER ORGANIZATIONS IN PROGRAM.—Upon the date of the enactment of this subsection, each Veterans Business Outreach Center established by the Administrator under the authority of section 8(b)(17) and each center that received funds during fiscal year 2006 from the National Veterans Business Development Corporation established under section 33 and that remains in operation shall be treated as designated as a veterans business center for purposes of this subsection and shall be eligible for grants under this subsection.

''(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for fiscal year 2010 and $12,000,000 for fiscal year 2011.

''(h) ADDITIONAL GRANTS AVAILABLE TO VETERANS BUSINESS CENTERS.—

''(1) ACCESS TO CAPITAL GRANT PROGRAM.—

''(A) IN GENERAL.—The Director of the Veterans Business Center program shall establish a grant program under which the Director is authorized to make, to veterans business centers designated under subsection (g), grants for the following:

''(i) Developing specialized programs to assist veteran-owned small businesses to secure capital and repair damaged credit.

''(ii) Providing informational seminars on securing loans to veteran-owned small businesses.

''(iii) Providing one-on-one counseling to veteran-owned small businesses to improve the financial presentations of such businesses to lenders.

''(iv) Facilitating the access of veteran-owned small businesses to both traditional and non-traditional financing sources.

''(B) AWARD SIZE.—The Director may not award a veterans business center more than $75,000 in grants under this paragraph.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,500,000 for each of fiscal years 2010 and 2011.

''(2) PROCUREMENT ASSISTANCE GRANT PROGRAM.—

''(A) IN GENERAL.—The Director shall establish a grant program under which the Director is authorized to make, to veterans business centers designated under subsection (g), grants for the following:

''(i) Assisting veteran-owned small businesses to identify contracts that are suitable to such businesses.

''(ii) Preparing veteran-owned small businesses to be ready as subcontractors and prime contractors for contracts made available through the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) through training and business advisement, particularly with respect to the construction trades.

''(iii) Providing veteran-owned small businesses technical assistance with respect to the Federal procurement process, including assisting such businesses to comply with Federal regulations and bonding requirements.

''(B) AWARD SIZE.—The Director may not award a veterans business center more than $75,000 in grants under this paragraph.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,500,000 for each of fiscal years 2010 and 2011.

''(3) SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS GRANT PROGRAM.—

''(A) IN GENERAL.—The Director shall establish a grant program under which the Director is authorized to make, to veterans business centers designated under subsection (g), grants for the following:

''(i) Developing outreach programs for service-disabled veterans with respect to the benefits of self-employment.

''(ii) Providing tailored training to service-disabled veterans with respect to business plan development, marketing, budgeting, accounting, and merchandising.

''(iii) Assisting service-disabled veteran-owned small businesses to locate and secure business opportunities.

''(B) AWARD SIZE.—The Director may not award a veterans business center more than $75,000 in grants under this paragraph.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,500,000 for each of fiscal years 2010 and 2011.

''(i) VETERANS ENTREPRENEURIAL DEVELOPMENT SUMMIT.—

''(1) IN GENERAL.—The Director of the Veterans Business Center program is authorized to carry out an event, once every two years, for the purpose of providing networking opportunities, outreach, education, training, and support to veterans business centers funded under this section, veteran-owned small businesses, veterans service organizations, and other entities as determined appropriate for inclusion by the Director.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $450,000 for fiscal years 2010 and 2011.

''(j) INCLUSION OF SURVIVING SPOUSES.—For purposes of subsections (g), (h), and (i) the following apply:

''(1) The term 'veteran' includes a surviving spouse of the following:

''(A) A member of the Armed Forces, including a reserve component thereof.

''(B) A veteran.

''(2) The term 'veteran-owned small business' includes a small business owned by a surviving spouse of the following:

''(A) A member of the Armed Forces, including a reserve component thereof.

''(B) A veteran.

''(k) INCLUSION OF RESERVE COMPONENTS.—For purposes of subsections (g), (h), and (i) the following apply:

''(1) The term 'veteran' includes a member of the reserve components of the armed forces as specified in section 10101 of title 10, United States Code.

''(2) The term 'veteran-owned small business' includes a small business owned by a member of the reserve components of the armed forces as specified in section 10101 of title 10, United States Code.''.

SEC. 102. REPORTING REQUIREMENT FOR INTER-AGENCY TASK FORCE.

Section 32(c) of the Small Business Act (15 U.S.C. 657b(c)) is amended by adding at the end the following:

''(4) REPORT.—The Administrator shall submit to Congress biannually a report on the appointments made to and activities of the task force.''.

TITLE II—EDUCATING AND NETWORKING ENTREPRENEURS THROUGH TODAY'S TECHNOLOGY

SEC. 201. EDUCATING ENTREPRENEURS THROUGH TECHNOLOGY.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by redesignating section 44 as section 46 and by inserting the following new section after section 43:

''SEC. 44. EDUCATING AND NETWORKING ENTREPRENEURS THROUGH TECHNOLOGY.

''(a) PURPOSE.—The purpose of this section is to provide high-quality distance learning and opportunities for the exchange of peer-to-peer technical assistance through online networking to potential and existing entrepreneurs through the use of technology.

''(b) DEFINITION.—As used in this section, the term 'qualified third-party vendor' means an entity with experience in distance learning content or communications technology, or both, with the ability to utilize on-line, satellite, video-on-demand, and connected community-based organizations to distribute and conduct distance learning and establish an online network for use by potential and existing entrepreneurs to facilitate the exchange of peer-to-peer technical assistance related to entrepreneurship, credit management, financial literacy, and Federal small business development programs.

''(c) AUTHORITY.—The Administrator shall contract with qualified third-party vendors for entrepreneurial training content, the development of communications technology that can distribute content under this section throughout the United States, and the establishment of a nationwide, online network for the exchange of peer-to-peer technical assistance. The Administrator shall contract with at least 2 qualified third-party vendors to develop content.

''(d) CONTENT.—The Administrator shall ensure that the content referred to in subsection (c) is timely and relevant to entrepreneurial development and can be successfully communicated remotely to an audience through the use of technology. The Administrator shall, to the maximum extent practicable, promote content that makes use of technologies that allow for remote interaction by the content provider with an audience. The Administrator shall ensure that the content is catalogued and accessible to small businesses on-line or through other remote technologies.

''(e) COMMUNICATIONS TECHNOLOGY.—The Administrator shall ensure that the communications technology referred to in subsection (c) is able to distribute content throughout all 50 States and the territories of the United States to small business concerns, home-based businesses, Small Business Development Centers, Women's Business Centers, Veterans Business Centers, and the Small Business Administration and network entrepreneurs throughout all 50 States and the territories of the United States to allow for

peer-to-peer learning through the creation of a location online that allows entrepreneurs and small business owners the opportunity to exchange technical assistance through the sharing of information. To the extent possible, the qualified third-party vendor should deliver the content and facilitate the networking using broadband technology.

''(f) REPORTS TO CONGRESS.—The Administrator shall submit a report to Congress 6 months after the date of the enactment of this section containing an analysis of the Small Business Administration's progress in implementing this section. The Administrator shall submit a report to Congress one year after the date of the enactment of this section and annually thereafter containing the number of presentations made under this section, the number of small businesses served under this section, the extent to which this section resulted in the establishment of new businesses, and feedback on the usefulness of this medium in presenting entrepreneurial education and facilitating the exchange of peer-to-peer technical assistance throughout the United States.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years 2010 and 2011.''.

TITLE III—ENHANCING NATIVE AMERICAN ENTREPRENEURSHIP

SEC. 301. OFFICE OF NATIVE AMERICAN AFFAIRS; TRIBAL BUSINESS INFORMATION CENTERS PROGRAM.

(a) ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) by striking ''five Associate Administrators'' and inserting ''six Associate Administrators''; and

(2) by inserting after ''vested in the Administration.'' the following: ''One such Associate Administrator shall be the Associate Administrator for Native American Affairs, who shall administer the Office of Native American Affairs established under section 45.''.

(b) ESTABLISHMENT.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 44, as added by section 201 of this Act, the following:

''SEC. 45. OFFICE OF NATIVE AMERICAN AFFAIRS AND TRIBAL BUSINESS INFORMATION CENTERS PROGRAM.

''(a) OFFICE OF NATIVE AMERICAN AFFAIRS.—

''(1) ESTABLISHMENT.—There is established in the Administration an Office of Native American Affairs (hereinafter referred to in this subsection as the 'Office').

''(2) ASSOCIATE ADMINISTRATOR.—The Office shall be administered by an Associate Administrator appointed under section 4(b)(1).

''(3) RESPONSIBILITIES.—The Office shall have the following responsibilities:

''(A) Developing and implementing tools and strategies to increase Native American entrepreneurship.

''(B) Expanding the access of Native American entrepreneurs to business training, capital, and Federal small business contracts.

''(C) Expanding outreach to Native American communities and aggressively marketing entrepreneurial development services to such communities.

''(D) Representing the Administration with respect to Native American economic development matters.

''(4) COORDINATION AND OVERSIGHT FUNCTION.—The Office shall provide oversight with respect to and assist the implementation of all Administration initiatives relating to Native American entrepreneurial development.

''(5) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated to the Administrator $2,000,000 for each of fiscal years 2010 and 2011.

''(b) TRIBAL BUSINESS INFORMATION CENTERS PROGRAM.—

''(1) ESTABLISHMENT.—The Administrator is authorized to operate, alone or in coordination with other Federal departments and agencies, a Tribal Business Information Centers program that provides Native American populations with business training and entrepreneurial development assistance.

''(2) DESIGNATION OF CENTERS.—The Administrator shall designate entities as centers under the Tribal Business Information Centers program.

''(3) ADMINISTRATION SUPPORT.—The Administrator may contribute agency personnel and resources to the centers designated under paragraph (2) to carry out this subsection.

''(4) GRANT PROGRAM.—The Administrator is authorized to make grants of not more than $300,000 to centers designated under paragraph (2) for the purpose of providing Native Americans the following:

''(A) Business workshops.

''(B) Individualized business counseling.

''(C) Entrepreneurial development training.

''(D) Access to computer technology and other resources to start or expand a business.

''(5) REGULATIONS.—The Administrator shall by regulation establish a process for designating centers under paragraph (2) and making the grants authorized under paragraph (4).

''(6) DEFINITION OF ADMINISTRATOR.—In this subsection, the term 'Administrator' means the Administrator, acting through the Associate Administrator administering the Office of Native American Affairs.

''(7) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated to the Administrator $15,000,000 for fiscal year 2010 and $17,000,000 for fiscal year 2011.

''(c) DEFINITION OF NATIVE AMERICAN.—The term 'Native American' means an Indian tribe member, Alaska Native, or Native Hawaiian as such are defined in section 21(a)(8) of this Act.''.

SEC. 302. SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HAWAIIANS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended by adding at the end the following:

''(8) ADDITIONAL GRANT TO ASSIST INDIAN TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HAWAIIANS.—

''(A) IN GENERAL.—Any applicant in an eligible State that is funded by the Administration as a Small Business Development Center may apply for an additional grant to be used solely to provide services described in subsection (c)(3) to assist with outreach, development, and enhancement on Indian lands of small business startups and expansions owned by Indian tribe members, Alaska Natives, and Native Hawaiians.

''(B) ELIGIBLE STATES.—For purposes of subparagraph (A), an eligible State is a State that has a combined population of Indian tribe members, Alaska Natives, and Native Hawaiians that comprises at least 1 percent of the State's total population, as shown by the latest available census.

''(C) GRANT APPLICATIONS.—An applicant for a grant under subparagraph (A) shall submit to the Administration an application that is in such form as the Administration may require. The application shall include information regarding the applicant's goals and objectives for the services to be provided using the grant, including—

''(i) the capability of the applicant to provide training and services to a representative number of Indian tribe members, Alaska Natives, and Native Hawaiians;

''(ii) the location of the Small Business Development Center site proposed by the applicant;

''(iii) the required amount of grant funding needed by the applicant to implement the program; and

''(iv) the extent to which the applicant has consulted with local tribal councils.

''(D) APPLICABILITY OF GRANT REQUIREMENTS.—An applicant for a grant under subparagraph (A) shall comply with all of the requirements of this section, except that the matching funds requirements under paragraph (4)(A) shall not apply.

''(E) MAXIMUM AMOUNT OF GRANTS.—No applicant may receive more than $300,000 in grants under this paragraph for any fiscal year.

''(F) REGULATIONS.—After providing notice and an opportunity for comment and after consulting with the Association recognized by the Administration pursuant to paragraph (3)(A) (but not later than 180 days after the date of enactment of this paragraph), the Administration shall issue final regulations to carry out this paragraph, including regulations that establish—

''(i) standards relating to educational, technical, and support services to be provided by Small Business Development Centers receiving assistance under this paragraph; and

''(ii) standards relating to any work plan that the Administration may require a Small Business Development Center receiving assistance under this paragraph to develop.

''(G) ADVICE OF LOCAL TRIBAL ORGANIZATIONS.—A Small Business Development Center receiving a grant under this paragraph shall request the advice of a tribal organization on how best to provide assistance to Indian tribe members, Alaska Natives, and Native Hawaiians and where to locate satellite centers to provide such assistance.

''(H) DEFINITIONS.—In this paragraph, the following definitions apply:

''(i) INDIAN LANDS.—The term 'Indian lands' has the meaning given the term 'Indian country' in section 1151 of title 18, United States Code, the meaning given the term 'Indian reservation' in section 151.2 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph), and the meaning given the term 'reservation' in section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903).

''(ii) INDIAN TRIBE.—The term 'Indian tribe' means any band, nation, or organized group or community of Indians located in the contiguous United States, and the Metlakatla Indian Community, whose members are recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

''(iii) INDIAN TRIBE MEMBER.—The term 'Indian tribe member' means a member of an Indian tribe (other than an Alaska Native).

''(iv) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

''(v) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(I) a citizen of the United States; and

''(II) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

''(vi) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

''(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $7,000,000 for each of fiscal years 2010 and 2011.

''(J) FUNDING LIMITATIONS.—

''(i) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Funding under this paragraph shall be in addition to the dollar program limitations specified in paragraph (4).

''(ii) LIMITATION ON USE OF FUNDS.—The Administration may carry out this paragraph only with amounts appropriated in advance specifically to carry out this paragraph.''.

TITLE IV—BROADENING THE WOMEN'S BUSINESS CENTER PROGRAM

SEC. 401. NOTIFICATION OF GRANTS; PUBLICATION OF GRANT AMOUNTS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following new subsection:

''(o) NOTIFICATION OF GRANTS; PUBLICATION OF GRANT AMOUNTS.—The Administrator shall disburse funds to a women's business center not later than one month after the center's application is approved under this section. At the end of each fiscal year the Administrator (acting through the Office of Women's Business ownership) shall publish on the Administration's website a report setting forth the total amount of the grants made under this Act to each women's business center in the fiscal year for which the report is issued, the total amount of such grants made in each prior fiscal year to each such center, and the total amount of private matching funds provided by each such center over the lifetime of the center.''.

SEC. 402. COMMUNICATIONS.

Section 29 of the Small Business Act (15 U.S.C. 656), as amended, is further amended by adding at the end the following new subsection:

''(p) COMMUNICATIONS.—The Administrator shall establish, by rule, a standardized process to communicate with women's business centers regarding program administration matters, including reimbursement, regulatory matters, and programmatic changes. The Administrator shall notify each women's business center of the opportunity for notice and comment on the proposed rule.''.

SEC. 403. FUNDING.

(a) FORMULA.—Section 29(b) of the Small Business Act (15 U.S.C. 656(b)) is amended to read as follows:

''(b) AUTHORITY.—

''(1) IN GENERAL.—The Administrator may provide financial assistance to private nonprofit organizations to conduct projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

''(A) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

''(B) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

''(C) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

''(2) TIERS.—The Administrator shall provide assistance under paragraph (1) in 3 tiers of assistance as follows:

''(A) The first tier shall be to conduct a 5-year project in a situation where a project has not previously been conducted. Such a project shall be in a total amount of not more than $150,000 per year.

''(B) The second tier shall be to conduct a 3-year project in a situation where a first-tier project is being completed. Such a project shall be in a total amount of not more than $100,000 per year.

''(C) The third tier shall be to conduct a 3-year project in a situation where a second-tier project is being completed. Such a project shall be in a total amount of not more than $100,000 per year. Third-tier grants shall be renewable subject to established eligibility criteria as well as criteria in subsection (b)(4).

''(3) ALLOCATION OF FUNDS.—Of the amounts made available for assistance under this subsection, the Administrator shall allocate—

''(A) at least 40 percent for first-tier projects under paragraph (2)(A);

''(B) 20 percent for second-tier projects under paragraph (2)(B); and

''(C) the remainder for third-tier projects under paragraph (2)(C).

''(4) BENCHMARKS FOR THIRD-TIER PROJECTS.—In awarding third-tier projects under paragraph (2)(C), the Administrator shall use benchmarks based on socio-economic factors in the community and on the performance of the applicant. The benchmarks shall include—

''(A) the total number of women served by the project;

''(B) the proportion of low income women and socio-economic distribution of clients served by the project;

''(C) the proportion of individuals in the community that are socially or economically disadvantaged (based on median income);

''(D) the future fund-raising and service coordination plans;

''(E) the diversity of services provided; and

''(F) geographic distribution within and across the 10 regions of the Small Business Administration.''.

(b) MATCHING.—Subparagraphs (A) and (B) of section 29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1)) are amended to read as follows:

''(A) For the first and second years of the project, 1 non-Federal dollar for each 2 Federal dollars.

''(B) Each year after the second year of the project—

''(i) 1 non-Federal dollar for each Federal dollar; or

''(ii) if the center is in a community at least 50 percent of the population of which is below the median income for the State or United States territory in which the center is located, 1 non-Federal dollar for each 2 Federal dollars.''.

(c) AUTHORIZATION.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting the following new subsection after subsection (e):

''(f) WOMEN'S BUSINESS CENTERS.—There is authorized to be appropriated for purposes of grants under section 29 to women's business centers not more than $20,000,000 in fiscal year 2010 and not more than $22,000,000 in fiscal year 2011.''.

SEC. 404. PERFORMANCE AND PLANNING.

(a) IN GENERAL.—Section 29(h)(1) of the Small Business Act (15 U.S.C. 656(h)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting the following new subparagraphs after subparagraph (A):

''(B) establish performance measures, taking into account the demographic differences of populations served by women's business centers, which measures shall include—

''(i) outcome-based measures of the amount of job creation or economic activity generated in the local community as a result of efforts made and services provided by each women's business center, and

''(ii) service-based measures of the amount of services provided to individuals and small business concerns served by each women's business center;

''(C) require each women's business center to submit an annual plan for the next year that includes the center's funding sources and amounts, strategies for increasing outreach to women-owned businesses, strategies for increasing job growth in the community, and other content as determined by the Administrator; and''.

(b) CONFORMING AMENDMENT.—Section 29(h)(1) of the Small Business Act (15 U.S.C. 656(h)(1)), as amended, is further amended by adding the following at the end thereof:

''The Administrator's evaluation of each women's business center as required by this subsection shall be in part based on the performance measures under subparagraphs (B) and (C). These measures and the Administrator's evaluations thereof shall be made publicly available.''.

SEC. 405. NATIONAL WOMEN'S BUSINESS COUNCIL.

The Women's Business Ownership Act of 1988 is amended as follows:

(1) In section 409(a) (15 U.S.C. 7109(a)), by adding the following at the end thereof: ''Such studies shall include a study on the impact of the 2008–2009 financial markets crisis on women-owned businesses, and a study of the use of the Small Business Administration's programs by women-owned businesses.''.

(2) In section 410(a) (15 U.S.C. 7110(a)), by striking ''2001 through 2003'' and insert ''2010 and 2011''.

TITLE V—SCORE PROGRAM IMPROVEMENTS

SEC. 501. EXPANSION OF VOLUNTEER REPRESENTATION AND BENCHMARK REPORTS.

(a) EXPANSION OF VOLUNTEER REPRESENTATION.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended—

(1) by inserting ''(i)'' after ''(B)''; and

(2) by adding at the end the following:

''(ii) The Administrator shall ensure that SCORE, established under this subparagraph, carries out a plan to increase the proportion of mentors who are from socially or economically disadvantaged backgrounds and, on an annual basis, reports to the Administrator on the implementation of this subparagraph.''.

(b) BENCHMARK REPORTS.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), as amended, is further amended by adding at the end the following:

''(iii) The Administrator shall ensure that SCORE, established under this subparagraph, establishes benchmarks for use in evaluating the performance of its activities and the performance of its volunteers. The benchmarks shall include benchmarks relating to the demographic characteristics and the geographic characteristics of persons assisted by SCORE, benchmarks relating to the hours spent mentoring by volunteers, and benchmarks relating to the performance of the persons assisted by SCORE. SCORE shall report, on an annual basis, to the Administrator the extent to which the benchmarks established under this clause are being attained.''.

SEC. 502. MENTORING AND NETWORKING.

Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), as amended, is further amended by adding at the end the following:

''(iv) The Administrator shall ensure that SCORE, established under this subparagraph, establishes a mentoring program for small business concerns that provides one-on-one advice to small business concerns from qualified counselors. For purposes of this clause, qualified counselors are counselors with at least 10 years experience in the industry sector or area of responsibility of the small business concern seeking advice.

''(v) The Administrator shall carry out a networking program through SCORE, established under this subparagraph, that provides small business concerns with the opportunity to make business contacts in their industry or geographic region.''.

SEC. 503. NAME OF PROGRAM CHANGED TO SCORE.

(a) NAME CHANGE.—The Small Business Act is amended as follows:

(1) In section 8(b)(1)(B) (15 U.S.C. 637(b)(1)(B)), by striking ''Executives (SCORE)'' and inserting ''Executives (in this Act referred to as 'SCORE')''.

(2) In section 7(m)(3)(A)(i)(VIII) (15 U.S.C. 636(m)(3)(A)(i)(VIII)), by striking ''the Service Corps of Retired Executives'' and inserting ''SCORE''.

(3) In section 20 (15 U.S.C. 631 note)—

(A) in subsection (d)(1)(E), by striking ''the Service Corps of Retired Executives program'' and inserting ''SCORE''; and

(B) in subsection (e)(1)(E), by striking ''the Service Corps of Retired Executives program'' and inserting ''SCORE''.

(4) In section 33(b)(2) (15 U.S.C. 657c(b)(2)), by striking ''Service Corps of Retired Executives'' and inserting ''SCORE''.

(b) ELIMINATION OF ACE.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), as amended, is further amended by striking ''and an Active Corps of Executive (ACE)''.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by section 403(c) of this Act, is further amended by inserting the following new subsection after subsection (f):

''(g) AUTHORIZATION OF APPROPRIATIONS FOR SCORE.—There is authorized to be appropriated $7,000,000 for SCORE under section 8(b)(1) for each of the fiscal years 2010 and 2011.''.

TITLE VI—EXPANDING ENTREPRENEURSHIP

SEC. 601. EXPANDING ENTREPRENEURSHIP.

Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

''(g) MANAGEMENT AND DIRECTION.—

''(1) PLAN FOR ENTREPRENEURIAL DEVELOPMENT AND JOB CREATION STRATEGY.—The Administrator shall develop and submit to Congress a plan, in consultation with a representative from each of the agency's entrepreneurial development programs, for using the Small Business Administration's entrepreneurial development programs as a catalyst for job creation for fiscal years 2009 and 2010. The plan shall include the Administration's plan for drawing on existing programs, including Small Business Development Centers, Women's Business Centers, SCORE, Veterans Business Centers, Native American Outreach, and other appropriate programs. The Administrator shall identify a strategy for each Administration region to create or retain jobs through Administration programs. The Administrator shall identify, in consultation with appropriate personnel from entrepreneurial development programs, performance measures and criteria, including job creation, job retention, and job retraining goals, to evaluate the success of the Administration's actions regarding these efforts.

''(2) DATA COLLECTION PROCESS.—The Administrator shall, after notice and opportunity for comment, promulgate a rule to develop and implement a consistent data collection process to cover all entrepreneurial development programs. Such data collection process shall include data relating to job creation, performance, and any other data determined appropriate by the Administrator with respect to the Administration's entrepreneurial development programs.

''(3) COORDINATION AND ALIGNMENT OF SBA ENTREPRENEURIAL DEVELOPMENT PROGRAMS.—The Administrator shall submit annually to Congress, in consultation with other Federal departments and agencies as appropriate, a report on opportunities to foster coordination, limit duplication, and improve program delivery for Federal entrepreneurial development programs.

''(4) DATABASE OF ENTREPRENEURIAL DEVELOPMENT SERVICE PROVIDERS.—The Administrator shall, after a period of 60 days for public comment, establish a database of providers of entrepreneurial development services and, make such database available through the Administration's Web site. The database shall be searchable by industry, geography, and service required.

''(5) COMMUNITY SPECIALIST.—The Administrator shall designate not less than one staff member in each Administration district office as a community specialist who has as their full-time responsibility working with local entrepreneurial development service providers to increase coordination with Federal resources. The Administrator shall develop benchmarks for measuring the performance of community specialists under this subsection.

''(6) ENTREPRENEURIAL DEVELOPMENT PORTAL.—The Administrator shall publish a design for a Web-based portal to provide comprehensive information on the Administration's entrepreneurial development programs. After a period of 60 days for public comment, the Administrator shall establish such portal and—

''(A) integrate under one Web portal, Small Business Development Centers, Women's Business Centers, SCORE, Veterans Business Centers, the Administration's distance learning program, and other programs as appropriate;

''(B) revise the Administration's primary Web site so that the Web portal described in subparagraph (A) is available as a link on the main Web page of the Web site;

''(C) increase consumer-oriented content on the Administration's Web site and focus on promoting access to business solutions, including marketing, financing, and human resources planning;

''(D) establish relevant Web content aggregated by industry segment, stage of business development, level of need, and include referral links to appropriate Administration services, including financing, training and counseling, and procurement assistance; and

''(E) provide style guidelines and links for visitors to the Administration's Web site to be able to comment on and evaluate the materials in terms of their usefulness.

''(7) PILOT PROGRAMS.—The Administrator may not conduct any pilot program for a period of greater than 3 years if the program conflicts with, or uses the resources of, any of the entrepreneurial development programs authorized under section 8(b)(1)(B), 21, 29, 32, or any other provision of this Act.''.

TITLE VII—MODERNIZING THE SMALL BUSINESS DEVELOPMENT CENTER PROGRAM

SEC. 701. SMALL BUSINESS DEVELOPMENT CENTERS OPERATIONAL CHANGES.

(a) ACCREDITATION REQUIREMENT.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended as follows:

(1) In the proviso, by inserting before ''institution'' the following: ''accredited''.

(2) In the sentence beginning ''The Administration shall'', by inserting before ''institutions'' the following: ''accredited''.

(3) By adding at the end the following new sentence: ''In this paragraph, the term 'accredited institution of higher education' means an institution that is accredited as described in section 101(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)(5)).''.

(b) PROGRAM NEGOTIATIONS.—Section 21(a)(3) of the Small Business Act (15 U.S.C. 648(a)(3)) is amended in the matter preceding subparagraph (A), by inserting before ''agreed'' the following: ''mutually''.

(c) CONTRACT NEGOTIATIONS.—Section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) is amended by inserting after ''uniform negotiated'' the following: ''mutually agreed to''.

(d) SBDC HIRING.—Section 21(c)(2)(A) of the Small Business Act (15 U.S.C. 648(c)(2)(A)) is amended by inserting after ''full-time staff'' the following: '', the hiring of which shall be at the sole discretion of the center without the need for input or approval from any officer or employee of the Administration''.

(e) CONTENT OF CONSULTATIONS.—Section 21(a)(7)(A) of the Small Business Act (15 U.S.C. 648(a)(7)(A)) is amended in the matter preceding clause (i) by inserting after ''under this section'' the following: '', or the content of any consultation with such an individual or small business concern,''.

(f) AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Section 21(a)(4)(C)(v)(I) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(v)(I)) is amended to read as follows:

''(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section, not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1).''.

(g) NON-MATCHING PORTABILITY GRANTS.—Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended by adding at the end the following: ''In the event of a disaster, the dollar limitation in the preceding sentence shall not apply.''.

(h) DISTRIBUTION TO SBDCS.—Section 21(b) of the Small Business Act (15 U.S.C. 648(b)) is amended by adding at the end the following new paragraph:

''(4) LIMITATION ON DISTRIBUTION TO SMALL BUSINESS DEVELOPMENT CENTERS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the Administration shall not distribute funds to a Small Business Development Center if the State in which the Small Business Development Center is located is served by more than one Small Business Development Center.

''(B) UNAVAILABILITY EXCEPTION.—The Administration may distribute funds to a maximum of 2 Small Business Development Centers in any State if no applicant has applied to serve the entire State.

''(C) GRANDFATHER CLAUSE.—The limitations in this paragraph shall not apply to any State in which more than one Small Business Development Center received funding prior to January 1, 2007.

''(D) DEFINITION.—For the purposes of this paragraph, the term 'Small Business Development Center' means the entity selected by the Administration to receive funds pursuant to the funding formula set forth in subsection (a)(4), without regard to the number of sites for service delivery such entity establishes or funds.''.

(i) WOMEN'S BUSINESS CENTERS.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)), as amended, is further amended—

(1) by striking ''and women's business centers operating pursuant to section 29''; and

(2) by striking ''or a women's business center operating pursuant to section 29''.

SEC. 702. ACCESS TO CREDIT AND CAPITAL.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following new subsection:

''(o) ACCESS TO CREDIT AND CAPITAL PROGRAM.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) develop specialized programs to assist local small business concerns in securing capital and repairing damaged credit;

''(B) provide informational seminars on securing credit and loans;

''(C) provide one-on-one counseling with potential borrowers to improve financial presentations to lenders; and

''(D) facilitate borrowers' access to non-traditional financing sources, as well as traditional lending sources.

''(2) AWARD SIZE LIMIT.—The Administration may not award an entity more than $300,000 in grant funds under this subsection.

''(3) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(4) AUTHORIZATION.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

SEC. 703. PROCUREMENT TRAINING AND ASSISTANCE.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended, is further amended by adding at the end the following new subsection:

''(p) PROCUREMENT TRAINING AND ASSISTANCE.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) work with local agencies to identify contracts that are suitable for local small business concerns;

''(B) prepare small businesses to be ready as subcontractors and prime contractors for contracts made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) through training and business advisement, particularly in the construction trades; and

''(C) provide technical assistance regarding the Federal procurement process, including assisting small business concerns to comply with federal regulations and bonding requirements.

''(2) AWARD SIZE LIMIT.—The Administration may not award an entity more than $300,000 in grant funds under this subsection.

''(3) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

SEC. 704. GREEN ENTREPRENEURS TRAINING PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended, is further amended by adding at the end the following new subsection:

''(q) GREEN ENTREPRENEURS TRAINING PROGRAM.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) provide education classes and one-on-one instruction in starting a business in the fields of energy efficiency, green technology, or clean technology;

''(B) coordinate such classes and instruction, to the extent practicable, with local community colleges and local professional trade associations; and

''(C) assist and provide technical counseling to individuals seeking to start a business in the fields of energy efficiency, green technology, or clean technology.

''(2) AWARD SIZE LIMIT.—The Administration may not award an entity more than $300,000 in grant funds under this subsection.

''(3) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

SEC. 705. MAIN STREET STABILIZATION.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended, is further amended by adding the following new subsection at the end thereof:

''(r) MAIN STREET STABILIZATION.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) establish a statewide small business helpline within every State and United States territory to provide immediate expert information and assistance to small business concerns;

''(B) develop a portfolio of online survival and growth tools and resources that struggling small business concerns can utilize through the Internet;

''(C) develop business advisory capacity to provide expert consulting and education to assist small businesses at-risk of failure and to, in areas of high demand, shorten the response time of small business development centers, and, in rural areas, support added outreach in remote communities;

''(D) deploy additional resources to help specific industry sectors with a high presence of small business concerns, which shall be targeted toward clusters of small businesses with similar needs and build upon best practices from earlier assistance;

''(E) develop a formal listing of financing options for small business capital access; and

''(F) deliver services that help dislocated workers start new businesses.

''(2) AWARD SIZE LIMIT.—The Administration may not award an entity more than $250,000 in grant funds under this subsection.

''(3) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(4) AUTHORIZATION.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

SEC. 706. PROHIBITION ON PROGRAM INCOME BEING USED AS MATCHING FUNDS.

Section 21(a)(4)(B) (15 U.S.C. 648(a)(4)(B)) is amended by inserting after ''Federal program'' the following: ''and shall not include any funds obtained through the assessment of fees to small business clients''.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by sections 403(c) and 504 of this Act, is further amended by inserting after subsection (g) the following new subsection:

''(h) SMALL BUSINESS DEVELOPMENT CENTERS.—There is authorized to be appropriated to carry out the Small Business Development Center Program under section 21 $150,000,000 for fiscal year 2010 and $160,000,000 for fiscal year 2011.''.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–121. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1515

AMENDMENT NO. 1 OFFERED BY MS. VELÁZQUEZ

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–121.

Ms. VELÁZQUEZ. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. VELÁZQUEZ:

Page 9, beginning line 19, strike ''with respect to the benefits of self-employment'' and insert ''to promote self-employment opportunities''.

Page 9, line 21, strike ''tailored''.

Page 12, line 20, strike ''high-quality''.

Page 14, line 9, insert after ''Veterans Business Centers,'' the following: ''SCORE chapters,''.

Page 16, line 21, strike ''capital'' and insert ''financing''.

Page 16, line 24, strike ''aggressively''.

Page 33, line 9, strike ''the performance''.

Page 33, line 13, strike ''relating'' and insert ''related''.

Page 36, beginning line 13, strike ''as a catalyst for job creation for'' and insert ''to create jobs during''.

Page 36, line 14, strike ''2009 and 2010'' and insert ''2010 and 2011''.

Page 7, after line 22 insert the following:

''(v) Providing one-on-one or group counseling to owners of small business concerns who are members of the reserve components of the armed forces, as specified in section 10101 of title 10, United States Code, to assist such owners to effectively prepare their small businesses for periods when such owners are deployed in support of a contingency operation.''.

Page 6, line 22, strike ''(10)'' and insert ''(11)''.

Page 6, after line 21 insert the following:

''(10) RURAL AREAS.—The Director shall submit annually to the Administrator a report on whether a sufficient percentage, as determined by the Director, of veterans in rural areas have adequate access to a veterans business center. If the Director submits a report under this paragraph that does not demonstrate that a sufficient percentage of veterans in rural areas have adequate access to a veterans business center, the Director shall give priority during the one year period following the date of the submission of such report to applications for designations and grants under this subsection that will establish veterans business centers in rural areas.''.

Page 31, line 12, insert after ''community'' the following: '', strategies for increasing job placement of women in nontraditional occupations''.

Page 47, line 8, strike ''and''.

Page 47, line 12, strike the period and insert ''; and''.

Page 47, after line 12, insert the following new subparagraph:

''(D) provide services that assist low-income or dislocated workers to start businesses in the fields of energy efficiency, green technology, or clean technology.''.

Page 47, line 4, insert after ''clean technology'' the following: ''and in adapting a business to include such fields''.

Page 47, line 12, insert after ''clean technology'' the following: ''and to individuals seeking to adapt a business to include such fields''.

Page 27, line 18, insert after ''per year.'' the following: ''Projects receiving assistance under this subparagraph that possess the capacity to train existing or potential business owners in the fields of green technology, clean technology, or energy efficiency shall receive the maximum award under this subparagraph.''.

Page 29, after line 5 insert the following:

''(E) the capacity of the project to train existing or potential business owners in the fields of green technology, clean technology, or energy efficiency;''.

Page 29, line 6, strike ''(E)'' and insert ''(F)''.

Page 29, line 7, strike ''(F)'' and insert ''(G)''.

Page 32, after line 12 insert the following:

SEC. 406. APPLICANT EVALUATION CRITERIA.

Section 29(f) of the Small Business Act (15 U.S.C. 656(f)) is amended—

(1) in paragraph (3) by striking ''and'' at the end;

(2) in paragraph (4) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) whether the applicant has the capacity to train existing or potential business owners in the fields of green technology, clean technology, or energy efficiency.''.

Page 5, line 13, after ''hardship.'' insert the following: ''The Director may waive the matching funds requirement under this paragraph with respect to veterans business centers that serve communities with a per capita income less than 75 percent of the national per capita income and an unemployment rate at least 150 percent higher than the national average.''.

The CHAIR. Pursuant to House Resolution 457, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Thank you, Mr. Chairman. I yield myself such time as I may consume.

The manager's amendment makes technical and conforming changes to the underlying legislation. It also incorporates several important amendments offered by Ms. MARKEY, Mr. CARNEY, Mr. POLIS, Ms. PINGREE, and Mr. CARDOZA.

Across all areas of the legislation, these amendments sharpen the provisions, making them more effective in assisting our entrepreneurs. In particular, these amendments strengthen provisions dealing with veterans, rural entrepreneurs, women entrepreneurs, and green technology.

I would like to thank my colleagues who contributed these changes and allowed them to be included in the manager's amendment. Ultimately, we have a manager's amendment that will improve this legislation and, more importantly, foster entrepreneurship and job growth.

Mr. Chairman, I strongly encourage my colleagues to support this amendment.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I rise to claim time on the gentlelady's amendment.

The CHAIR. Without objection, the gentleman from Missouri is recognized for 10 minutes.

There was no objection.

Mr. GRAVES. Mr. Chairman, Chairwoman VELÁZQUEZ's amendment makes very much needed technical changes to the bill. In addition, the amendments clarify and strengthen the ability of Reservists and veterans to access the full range of SBA training and education programs. I fully support those changes.

The amendments also provide for more detailed criteria in evaluating applications for the Women's Business Center. These additional criteria will help the SBA select the worthiest of the applicant pool.

I have to say, Mr. Chairman, I know there's a lot of thank-yous going around today, but I do sincerely want to thank the gentlelady, Chairwoman VELÁZQUEZ, because she spent a lot of time working on issues facing rural America, and it's kind of a hard area to understand in a lot of cases. And I appreciate that. I know a lot of people appreciate that. It doesn't go unnoticed at all.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. MARKEY OF COLORADO

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–121.

Ms. MARKEY of Colorado. As the designee for Mr. POLIS, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. MARKEY of Colorado:

Page 27, line 1, insert after ''concern'' the following: '', including implementing cost saving energy techniques''.

The CHAIR. Pursuant to House Resolution 457, the gentlewoman from Colorado (Ms. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Ms. MARKEY of Colorado. Mr. Chairman, I rise in support of my colleagues' amendment. I thank Representative SHULER, Representative VELÁZQUEZ, and members of the Small Business Committee and their staff for bringing forward this legislation that will promote entrepreneurship at a time when our Nation needs it most.

As a former small business owner, I know that starting a new business is an exciting experience. I know also that with the steep learning curve involved in managing and building a business, all too important details are left unattended. It is these details, however, that can determine whether a business will succeed or fail.

The educational and networking programs established by this bill will help small business owners attend to these details with the assistance of dedicated professionals.

Each community and each business presents a unique set of challenges and rewards. By creating specialized Small Business Development Centers, the modest funds we allocate in this bill will yield strong results through targeted counseling and training. This amendment simply adds training on reducing operating expenses through energy savings to the existing list of educational programs under this bill.

Entrepreneurs will greatly benefit from targeted training on energy use, a detail that represents 19 percent of the cost of running a small business. This high recurring cost can be inconsistent, unpredictable, and fluctuate seasonally.

High energy costs in periods of reduced revenue can be a frustrating challenge for a small business—but it's also avoidable.

Many communities and utilities offer programs to help businesses reduce energy consumption and many also offer tax breaks and incentives to reduce energy use. Some of the incentive programs available include assistance in acquiring efficient office hardware and installing renewable energy projects, but they can also help business owners with simple solutions, such as installing fluorescent light bulbs, turning off unused equipment, and closing doors and windows.

However, as common sense as it may seem to turn off a light when not in use, during the intense activity of starting a new business, ordering inventory, and hiring new employees, the lack of attention paid to an open window can quickly morph from a harmless oversight to an expensive habit.

Mr. Chairman, I want to remind my colleagues that 19 percent paid for energy is 19 percent that is not being reinvested in the business. That is 19 percent less cushion a business owner has in the event of an economic downturn. Nineteen percent may seem small, but it could be smaller.

Energy, of course, is a necessary expense. Compared to good employees and quality projects, however, this expenditure yields marginal returns. There is a reason that our utility companies call us valued customers and don't call us wise investors. Imagine if that 19 percent could be 9 percent.

To put it a better way, what if we could offer entrepreneurs an additional 10 percent capital? That 10 percent of additional resources can be invested in aspects of the operation that generate revenue.

The accumulated cost savings from moving the thermostat just a few degrees and reinvesting those funds into the business over time can be the difference between new supplies, expanding, or hiring a new employee.

This amendment strengthens our investment in small businesses by helping them with low-cost ways to improve their operations and increase their profits. The most exciting aspect of small business is the spirit of entrepreneurship, but finding creative solutions to reduce costs and save energy are possible only when business owners are made aware of the opportunities available to them.

This amendment, by simply creating awareness of energy-saving techniques and programs, will help small businesses thrive. Reducing energy consumption is not only smart environmental policy, it is sound economic policy.

I ask my colleagues to support this amendment and this important bill. I once again thank Representative SHULER, Chairwoman VELÁZQUEZ, and members of the Small Business Committee

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, as our Nation transitions to a green economy, America's entrepreneurs are leading the way. Entrepreneurs make up 90 percent of the renewable energy sector that is harnessing wind and solar power, as well as producing biofuels. Small companies are also dominant in the field of energy efficiency, and they're finding better, cleaner ways to use existing fuel sources.

The renewable energy and efficiency sectors are leading a new way for growth. They are expected to account for one out of every four jobs by 2030. Small businesses are also instrumental in efforts promoting energy efficiency in both existing and new buildings.

The amendment offered by the gentlelady from Colorado will build on this role. It clarifies that Women's Business Centers may utilize their resources to promote cost-saving energy techniques. That is a valuable change to the legislation, and I urge my colleagues to support this amendment.

I now yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I support the amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

Ms. MARKEY of Colorado. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Colorado (Ms. MARKEY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. PAULSEN

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–121.

Mr. PAULSEN. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PAULSEN:

At the end of title I, insert the following new section:

SEC. 103. COMPTROLLER GENERAL STUDY OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.

The Comptroller General shall carry out a study on the effects of this Act and the amendments made by this Act on small business concerns owned and controlled by veterans and submit to Congress a report on the results of such study. Such report shall include the recommendations of the Comptroller General with respect to how this Act and the amendments made by this Act may be implemented to more effectively serve small business concerns owned and controlled by veterans.

The CHAIR. Pursuant to House Resolution 457, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PAULSEN. I yield myself such time as I may consume.

First of all, I'd like to thank the chair of the subcommittee. Mr. Chairman, growing small businesses must be a top priority in order to turn this economy around. Our military veterans that own businesses face their own unique challenges—and the government must ensure that the programs in place to assist these veterans are achieving their goals.

I recently took part in a Minnesota Defense Alliance event where I was briefed by several small-to-medium-sized businesses in Minnesota that do work related to defense issues. Many of these companies were veteran-owned.

One of the concerns that was raised by a few of the participants was that the programs currently available to veteran-owned businesses are not effective and do not meet their needs. Because of these concerns, I authored this amendment, which would require the GAO to study the effectiveness of the legislation in growing and assisting veteran-owned companies and businesses.

My amendment also requires the GAO to offer suggestions to Congress as to how we can better assist veteran-owned business.

The government needs to do a better job of spending our taxpayer money wisely. So one of the best things that we can do for any business right now is to increase the availability of capital for growth.

Small businesses have created two of every three net new jobs in the United States since the 1970s, and certainly all the members of the Small Business Committee know this. Small businesses are also responsible for roughly half of the privately generated GDP in the United States.

I support the underlying legislation, and I believe it will go a long way in assisting and growing small businesses at a time when our Nation's economy needs a boost. Specifically, I'm interested in the new grant program for Small Business Development Centers to develop programs which help local small firms in securing capital and repairing damaged credit.

I want to thank Mr. SHULER and the rest of the Small Business Committee for their work as well. I'm extremely pleased that this bill provides the assistance for veteran-owned business, and I urge my colleagues to vote ''yes'' for this amendment and ''yes'' on the underlying legislation.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. I thank the gentleman from Minnesota for offering this amendment. All of us on both sides of the aisle want to make sure that these programs meet the needs of our entrepreneurs. I think we're doing good work with this legislation. But, as with many government programs, we must ensure there is sufficient oversight.

It is important that we carefully monitor how taxpayer dollars are spent and what effect they're having. Most of all, we must be sure that these programs accomplish what Congress intended.

The amendment in question will provide this oversight. It requires the Government Accountability Office to report on the effectiveness of ED programs for veterans.

I welcome this additional oversight. If Congress is going to ensure veterans are receiving the help they need from the SBA, we must make sure these new programs are functioning correctly. I will encourage my colleagues to vote for this amendment.

Now I yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. I appreciate the gentlelady from New York yielding me time. Mr. Chairman, I think this is a great amendment, and I support it.

□ 1530

Ms. VELÁZQUEZ. We are prepared to accept the amendment.

I yield back the balance of my time.

Mr. PAULSEN. We had one additional speaker, but I'm not sure if he's going to make it. So I just want to encourage support as well. I thank the gentlewoman for her support of the amendment and all the members of the Small Business Committee to truly help veteran-owned businesses grow and create jobs as well.

Mr. ROE of Tennessee. Mr. Chair, I rise in support of the amendment offered by my friend from Minnesota. As a veteran I support the underlying goal of this legislation to create opportunities for veteran-operated small businesses.

It is important in this global economy to train and provide guidance in business administration for our veterans. Veteran Business Centers and grant assistance should expand the economic playing field for these businesses.

However, if the Congress authorizes these programs it is our duty to the taxpayer to oversee their progress. This amendment calls for the Government Accountability Office to study and report on the effectiveness of these programs. We need to ask the question: "Is money spent on veteran owned small businesses helping these businesses?" "How can these programs be improved?"

I look forward to having those answers and thank the Gentleman from Minnesota for offering this amendment. I encourage my colleagues to support its adoption and yield back.

Mr. PAULSEN. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BOCCIERI

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–121.

Mr. BOCCIERI. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BOCCIERI:

Page 7, insert after line 22 the following:

''(v) Developing specialized programs to assist unemployed veterans to become entrepreneurs.''.

Page 10, line 21, insert after ''Director.'' the following: ''Such event shall include education and training with respect to improving outreach to veterans in areas of high unemployment.''.

The CHAIR. Pursuant to House Resolution 457, the gentleman from Ohio (Mr. BOCCIERI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOCCIERI. Thank you, Mr. Chair. I yield myself as much time as I may consume.

Mr. Chair, I rise today in support of my amendment to H.R. 2352, the Job Creation Through Entrepreneurship Act. I want to thank Chairwoman VELÁZQUEZ and Congressman SHULER for their vision in this landmark piece of legislation that will help restore our economy to what it has always been.

My amendment does two things, Mr. Chair. It allows veterans centers to receive grants to develop specialized programs that assist unemployed veterans, reservists and surviving spouses by becoming entrepreneurs. And it requires a Veterans Development Summit to provide training for veterans centers to improve their outreach to veterans in areas of high unemployment.

I strongly support the underlying bill and its creation of the Veterans Business Center program. By expanding assistance and training to veteran entrepreneurs, we can increase the number of successful small businesses and, thereby, create jobs, taking these highly skilled, highly trained individuals and helping them. Providing them with the opportunity to create jobs and create businesses is the right way to go.

The purpose of my amendment is to ensure that we are targeting outreach to unemployed veterans, reservists and surviving spouses.

Let's go over a few facts, Mr. Chair. While the economy continues to be tough for all Americans, it seems that young veterans are among the hardest hit. One out of nine Iraq and Afghanistan veterans are now out of work, and the total number of unemployed veterans of the two wars roughly averages about 170,000. It is about the same number as U.S. troops deployed to those wars, according to the Department of Labor. The 11.2 percent jobless rate for veterans who served in Iraq and Afghanistan rose 4 percentage points in the past year. That's significantly higher than the corresponding 8.8 percent for nonveterans in the same age group. On the battlefield, we pledge to leave no soldier behind. As a Nation, it should be our pledge that when they return home, we leave no veteran behind, and that includes making sure that every veteran has a job when they return.

I reserve the balance of my time, Mr. Chairman.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. I thank the gentleman from Ohio for his amendment. The legislation on the floor today places a high priority on helping veterans who wish to transition from the military to entrepreneurship. As I have noted, this bill for the first time creates a nationwide network of Veterans Business Centers. As our servicemen and -women return home from Afghanistan and Iraq, many of them will look to launch their own businesses as the next step in their careers. This network of Veterans Business Centers will aid them as they make that move. For many veterans, entrepreneurship is a logical next step. Already today, veterans comprise 14 percent of self-employed people. Service-disabled veterans make up 7 percent of small businesses. The underlying legislation would help these veterans who own their own firms as well as assist veterans seeking to start their own enterprises. The amendment before us helps to refine and improve the veterans provisions contained in this bill.

Specifically, the amendment requires that the new veterans centers offer specialized services to help unemployed veterans. In addition, the amendment will help the SBA improve outreach and education to veterans in high unemployment areas, and it would mean that the SBA will dedicate resources to assist those veterans who need help the most. In short, this amendment will do right by those who have served our Nation.

I now yield to the ranking member, the gentleman from Missouri, for any comments that he may have.

Mr. GRAVES. Thank you, Madam Chair, for yielding me time.

Mr. Chairman, the area where you are seeing a lot of veterans right now come back and, obviously, set up a lot of small businesses is a rapidly growing area. This provision in the bill is well overdue, in my opinion. It just goes along with the whole nature of the bill, to modernize so many of the SBA programs. I support the amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I reserve the balance of my time.

Mr. BOCCIERI. Mr. Chairman, I recognize the gentleman from Ohio (Mr. DRIEHAUS) for as much time as he may consume.

Mr. DRIEHAUS. I thank the gentleman for his amendment and the underlying bill. I rise to support the amendment and the underlying bill.

We heard just a little while ago the gentlewoman from Colorado talk about the pitfalls in creating small businesses and the challenges that entrepreneurs face. This is about identifying those challenges and helping veterans, as they return, think through the issues of creating a viable business plan, assistance with product development, providing assistance in marketing, learning how to access capital necessary to make their businesses successful. In sum, this is about leveraging the skills that so many of our men and women have learned, so many of our men and women have utilized overseas so that when they return home, they can put those skills to work in terms of small business development, in terms of coming together and driving this economy and creating new jobs. This is the direction we should be heading.

I support the amendment.

Mr. BOCCIERI. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back, we are prepared to accept the amendment.

Mr. BOCCIERI. I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOCCIERI).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HIMES

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–121.

Mr. HIMES. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HIMES:

Page 12, line 15, strike ''section 46'' and insert ''section 47''.

Page 50, after line 16, add the following new title:

TITLE VIII—MICROENTERPRISE TRAINING CENTER PROGRAM

SEC. 801. MICROENTERPRISE TRAINING CENTER PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 45, as added by section 301(b) of this Act, the following:

''SEC. 46. MICROENTERPRISE TRAINING CENTER PROGRAM.

''(a) ESTABLISHMENT.—The Administrator shall establish and carry out a microenterprise training center program for the purpose of providing low-income and unemployed individuals with training and counseling with respect to starting a microenterprise.

''(b) NUMBER AND LOCATION OF CENTERS.—In carrying out the program under subsection (a), the Administrator shall establish

10 microenterprise training centers, which, to the extent practicable, shall be located in a manner that promotes the geographic diversity of such centers. The Administrator shall give priority in locating such centers to areas with high proportions of low-income and unemployed individuals.

''(c) FUNCTION.—In carrying out the program under subsection (a), the Administrator shall ensure that microenterprise training centers provide training and resources to individuals seeking to start a new microenterprise, including through the provision of classes, one-on-one instruction, and other services the Administrator determines appropriate.

''(d) COORDINATION.—The Administrator shall coordinate the program established under subsection (a) with other programs of the Administration that may provide support to microenterprises.

''(e) DEFINITION OF MICROENTERPRISE.—In this section, the term 'microenterprise' means a business with not more than 6 employees and begun with an initial investment of not more than $40,000.''.

The CHAIR. Pursuant to House Resolution 457, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. HIMES. Mr. Chair, I yield myself as much time as I may consume.

Entrepreneurship in low-income areas is hindered not just by a lack of capital but by a lack of skills and training. Business skills training in low-income communities works. A recent Center For Employment Training study of 5,000 workers showed an average income boost of $7,500 to $26,000 for individuals receiving 28 weeks of business training. My amendment directs the SBA to invest in 10 Microenterprise Training Centers to provide training and resources to individuals seeking to start new small businesses, including expert-led classes, group workshops and one-on-one instruction. It authorizes no specific amount of new funds. We will look to make a small addition to the SBA operating budget later in the appropriations process.

This amendment is about spurring job creation in low-income communities, those communities that need jobs, that need small businesses most. These are the communities that are hardest hit by economic downturns, the last to recover and, in many instances, the communities that, absent jobs, draw on the public purse for the kind of public support that they need. So in the spirit of this bill, and with the support of the Small Business Committee, I urge my colleagues' positive consideration of this amendment.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chair, I rise to claim time in opposition to the gentleman's amendment.

The CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. GRAVES. Mr. Chairman, I certainly concur with the gentleman that it is important to make sure that individuals wishing to start a very small business have access to appropriate training and technical assistance. However, where I part company with the gentleman is the need to create a program that duplicates services already available through the SBA. Microloan intermediaries are required by section 7(m) of the Small Business Act to provide counseling and training to individuals wanting to start microenterprises. In addition, such services also are available from Small Business Development Centers, Women's Business Centers, Tribal Business Centers and Veterans Business Centers. Nothing exists in the record before the committee that suggests individuals who are interested in starting microenterprises do not have access to necessary training and technical assistance. So creating another program that duplicates existing efforts through the SBA is not a sound use of scarce taxpayer dollars.

I yield back the balance of my time.

Mr. HIMES. I yield to the gentlelady from New York.

Ms. VELÁZQUEZ. Mr. Chairman, let me thank the gentleman from Connecticut for this great amendment.

We often hear discussion of the concept of ''welfare to work.'' Well, the amendment before us will move many Americans from ''welfare to entrepreneurship.'' Studies consistently demonstrate that entrepreneurship provides a path out of poverty for many Americans. In particular, we have seen that for many impoverished women, launching their own small business can mean a chance at a bright future. This amendment will provide entrepreneurial development resources to those communities that have been hardest hit by this recession by creating Microenterprise Training Centers. These centers will let Americans interested in starting a very small business, such as a home-based business, access valuable classes, one-on-one instruction and other guidance. These resources will help launch the smallest small businesses, those with six or less employees and that start with $40,000 or less in capital. Under the amendment, the SBA will establish these training centers. The administrator is instructed to place them in parts of the country that have a high proportion of low-income and unemployed individuals.

Mr. Chairman, when economic downturns like the current one hit, those communities that are already hurting often carry the brunt of the pain. Those areas already struggling with high unemployment suffer the most when jobs become even more scarce. The amendment before us will provide additional options for Americans living in these communities. It will mean that those living in poverty will have a better chance to secure their economic independence and build a better life for themselves. The Microloans Program is a program that lends to businesses and those who want to start up a business. These are microenterprises that will provide technical assistance and guidance for those who want to start up a business. It's different.

I commend the gentleman for offering this amendment.

Mr. HIMES. I thank the gentlelady from New York for her statement and for her terrific leadership on this bill.

I would just note to my colleague from Missouri that he is absolutely right to be concerned about safeguarding taxpayer dollars and avoiding duplicative efforts. However, I would point out that this amendment creates a program targeted and tailored to low-income and unemployed individuals and, therefore, doesn't duplicate the SBA's currently existing programs, which are largely tied to the lending that is often not extended to lower income and unemployed individuals. In fact, there are very few Federal resources available for lower income individuals seeking to start a business. The Microloan Program that the gentleman refers to is built around loans and actually in previous budgets has been zeroed out. So I believe and feel this personally, having spent a year helping microbusinesses in the Bronx and seeing personally how very economically powerful small businesses can be in distressed communities, that we can find our way to support this amendment and make it part of a very good and useful bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. HIMES).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. KRATOVIL

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–121.

Mr. KRATOVIL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KRATOVIL:

Page 12, line 15, strike ''section 46'' and insert ''section 47''.

Page 50, after line 16, add the following new title:

TITLE VIII—RURAL ENTREPRENEURSHIP ADVISORY COUNCIL

SEC. 801. RURAL ENTREPRENEURSHIP ADVISORY COUNCIL.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 45, as added by section 301(b) of this Act, the following:

''SEC. 46. RURAL ENTREPRENEURSHIP ADVISORY COUNCIL.

''(a) ESTABLISHMENT.—The Administrator shall establish a rural entrepreneurship advisory council (hereinafter referred to in this section as the 'council').

''(b) COMPOSITION.—The Administrator shall ensure that the council is composed of appropriate officials from the Administration, the rural development programs of the Department of Agriculture, and the Department of Commerce and of representatives, who volunteer for the council, from the academic, small business, agriculture, and high-tech communities.

''(c) FUNCTIONS.—

''(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this section, the council shall submit to the Administrator and to Congress a report on the following:

''(A) Entrepreneurship in rural communities compared to urban communities.

''(B) Potential barriers to entrepreneurship for individuals in rural communities.

''(C) Effective Federal policies that are expanding entrepreneurship in rural communities.

''(D) Recommendations for Federal policies to foster entrepreneurship in rural communities and to ensure that rural entrepreneurs have equal access to technical assistance, entrepreneurial opportunities, and educational outreach.

''(2) ADVICE.—The council shall provide ongoing advice to the Administrator with respect to rural entrepreneurship and make recommendations to foster rural entrepreneurs, including through the effective use of broadband technology.''.

The CHAIR. Pursuant to House Resolution 457, the gentleman from Maryland (Mr. KRATOVIL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

□ 1545

Mr. KRATOVIL. Mr. Chairman, I yield myself such time as I may consume.

I would like to congratulate the Small Business Committee chairwoman, Ms. VELÁZQUEZ, and lead sponsor, Congressman HEATH SHULER, for bringing H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009, to the floor today. This legislation will arm small businesses and entrepreneurs, who are the lifeblood of our economy, to grow and prosper.

Investing in America's small businessmen and -women will help our economy recover. Small businesses create approximately four out of five new jobs. These small businesses are the backbone of the economy. They are the mom-and-pop stores on the Main Streets in small towns across America. But they are also individuals who are willing to take a risk and begin their own small high-tech companies.

I, like many Members of the House of Representatives, represent a largely rural district. A drive up and down Route 50 in my district reveals a landscape dotted with car dealerships that have closed their doors, restaurants that have gone out of business, empty hotel parking lots and store fronts with more vacancy than occupants. Although these images are not unique to rural areas, they deliver a much deeper blow to rural areas that rely on these small businesses for a greater percentage of local revenue and regional commerce than metropolitan and suburban areas.

For this reason, I have offered an amendment that would establish a rural entrepreneurship advisory council within the Small Business Administration. The council will be comprised of appropriate officials from the SBA, the rural development programs of the Department of Agriculture and the Department of Commerce, as well as representatives from the academic, small business, agriculture and high-tech sectors. The council is tasked with providing a report to Congress on rural entrepreneurship, specifically a report on entrepreneurship in rural communities compared to urban communities, potential barriers for individuals in rural communities, effective Federal policies that are expanding entrepreneurship in rural communities, and recommendations for Federal policies to foster entrepreneurship in rural communities and to ensure that rural entrepreneurs have equal access to technical assistance, entrepreneurial opportunities and educational outreach.

The council will also provide ongoing advice to the SBA administrator on issues related to rural entrepreneurship and how to foster rural entrepreneurs, including the effective use of broadband technology. This is a simple, commonsense amendment that will ensure our Nation's rural entrepreneurs are not left behind.

I urge support of the amendment as well as the underlying bill.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the amendment offered by the gentleman from Maryland will greatly expand the reach of entrepreneurial development programs. Too often small business owners or prospective entrepreneurs cannot access these programs because they live in a rural or remote area. For those small businesses in these parts of America, the nearest Small Business Development Center or Women's Business Center is often many miles away. This can prevent small businesses from accessing the services that we are improving and reauthorizing in the underlying bill.

The amendment offered by the gentleman from Maryland will further ensure that the SBA pays attention to the needs of rural America. Specifically, it creates a rural entrepreneurship advisory council at the Small Business Administration. Drawing from the expertise of the Department of Agriculture and the Department of Commerce, this panel will see to it that ED services provided by the SBA are effective for rural small businesses.

In many rural areas, many small businesses are particularly important. Often they are the community's largest employer. This amendment will ensure that the SBA's entrepreneurial development programs are meeting the needs of rural America.

I urge the adoption of the amendment.

And I now yield to the gentleman from Missouri for any remarks that he might have.

Mr. GRAVES. Mr. Chairman, I support the amendment, and I have no opposition. I thank the gentlelady.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back, we are prepared to accept the amendment.

Mr. KRATOVIL. I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. KRATOVIL).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. KRATOVIL. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. MURPHY OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–121.

Mr. MURPHY of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MURPHY of New York:

Page 4, line 11, strike ''$150,000'' and insert the following: ''$200,000''.

Page 4, line 18, strike ''$100,000'' and insert the following: ''$150,000''.

Page 6, line 24, strike ''$10,000,000'' and insert the following: ''$12,000,000''.

Page 6, line 25, strike ''$12,000,000'' and insert the following: ''$14,000,000''.

The CHAIR. Pursuant to House Resolution 457, the gentleman from New York (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, I yield myself such time as I may consume.

Like so many other Members here today, I rise to speak in favor of this bill and in particular an amendment that I think will make it stronger. For many years, I have been a small business owner, a founder of small businesses, and for the last 8 years, I have been investing in small businesses all over New York. I have seen the challenges that small business people face, and I'm well aware of the needs that they have as they start these businesses. And in particular in this troubled economic time, what those of us that work in the small business world know is that many more entrepreneurs will turn to their own efforts to start small businesses. We will see a lot more small businesses founded by entrepreneurs in these troubled economic times as people can't find jobs and they are getting laid off from bigger companies.

In particular, you have got that combined with the veterans that are coming back from our efforts overseas. And as we draw down in Iraq, a large number of veterans will be coming back and mustering out looking for job opportunities. What they are going to need is help because they are going to go and try to start small businesses. And it is a difficult task.

My amendment would increase the funding for the Veterans Business Centers that are already contemplated in

this bill. Instead of $150,000 for each of the first 5 years, they would be allocated up to $200,000. And instead of $100,000 thereafter for 3 additional years, they could go up to $150,000. I think it is critical that we make sure that we have enough of these Veterans Business Centers, like the one that we already have in the Albany area near my district, to help as many veterans as we can when they come back.

There is a great need out there. I saw this myself. I started my first business when I was 24 years old. People ask me, What would you do differently if you did it again? And every time I say, The thing I would do differently is I would turn to get more advice from experienced people early on. That is exactly what these centers will provide for our veterans. And I ask that people support this amendment to make sure we have the funding for them.

And I reserve the remainder of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman from New York for offering this amendment, as I believe it will help to improve the bill. As we all know, and we have seen and we heard that veteran entrepreneurship is on the rise, meaning that these services are in greater and greater demand.

The existing Veterans Business Outreach Centers have seen a 61 percent increase in veterans' requests for their services. Women's Business Centers report a 103 percent increase in veterans' requests. Clearly there is a hunger out there for these type of initiatives. And as more of our men and women return from Iraq and Afghanistan, the need for veterans' entrepreneurial development programs can be expected to grow.

By increasing the resources that are available for our former servicemen and -women, this amendment will help many of them launch their own businesses.

I will now yield to the gentleman from Missouri (Mr. GRAVES) for any comments that he wishes to make.

Mr. GRAVES. Mr. Chairman, I have no opposition to the amendment and support it; and I thank the gentlelady for yielding time.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman is prepared to yield back, we are prepared to accept this amendment.

Mr. MURPHY of New York. I yield back.

Ms. VELÁZQUEZ. Mr. Chairman, I urge the adoption of this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MURPHY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. NYE

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–121.

Mr. NYE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. NYE:

Page 12, line 15, strike ''section 46'' and insert ''section 47''.

Page 50, after line 16, add the following new title:

TITLE VIII—MILITARY ENTREPRENEURS PROGRAM

SEC. 801. MILITARY ENTREPRENEURS PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 45, as added by section 301(b) of this Act, the following:

''SEC. 46. MILITARY ENTREPRENEURS PROGRAM.

''(a) ESTABLISHMENT.—The Administrator shall establish and carry out a program to provide business counseling and entrepreneurial development assistance to members of the Armed Forces to facilitate the development of small business concerns.

''(b) LIAISON.—In carrying out the program described in subsection (a), the Administrator shall establish a liaison to facilitate outreach to members of the Armed Forces with respect to business counseling and entrepreneurial development assistance.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $1,000,000 for fiscal years 2010 and 2011.''.

The CHAIR. Pursuant to House Resolution 457, the gentleman from Virginia (Mr. NYE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. NYE. Mr. Chairman, I rise today in support of the Job Creation Through Entrepreneurship Act. In fact, I authored title I, the Veterans Business Centers provision, and I am in strong support of the title as it is. Today, however, I would like to make a minor addition to that bill, the Military Entrepreneurs Program.

Mr. Chairman, it takes a special kind of person to be an entrepreneur. Small business ownership takes leadership. And in times like these, it takes resilience. So it is not surprising that, as they reenter civilian life, many of our returning servicemembers decide to launch their own enterprises. After all, these are the same attributes that they have exhibited while serving our Nation.

Our veterans leave the military with valuable skills and experience. But they often don't have the resources to apply those skills to the challenge of starting and running a small business. This bill will make sure our veterans have the support they need to launch successful small businesses. And by supporting our veterans and our small businesses, we will help create jobs and get our economy going again.

The cornerstone of this effort will be a new nationwide network of services dedicated to veteran entrepreneurs called Veteran Business Centers. Establishing this joint public-private network will provide veterans with the dedicated counseling and business training they need to launch new enterprises or grow existing businesses. By creating a new program to assist veterans in accessing capital and securing loans and credit, we will help them overcome some of the most significant hurdles blocking them from becoming successfully self-employed.

By creating a new program to help our veterans to navigate the procurement process, they will be able to compete more effectively in the Federal marketplace.

The Recovery Act is expected to create work in many sectors that are veteran dominated, like engineering, telecommunications, project management and construction. This bill will help veteran entrepreneurs take advantage of these opportunities.

In coordination with these new Veteran Business Centers, this amendment, the Military Entrepreneurs Program, will direct the SBA to provide servicemembers transitioning to civilian life entrepreneurial information, training and financial guidance, the things they need to start up a business.

This amendment specifically targets young entrepreneurs and proactively reaches out to them, letting them know the immense resources that are available to them. This ensures our returning warfighters have the know-how to land firmly on their feet after they have honorably served our country.

Our veterans made every sacrifice necessary to defend liberty, justice and American values; and they deserve every chance at a fair shot at the American Dream. For that reason, the Veteran Business Centers provision has the support of both the American Legion and the Veterans of Foreign Wars.

I strongly urge passage of this amendment and the bill.

And I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, let me start by saying that the gentleman from Virginia has been enormously helpful in crafting this legislation. He authored the bill on which title I is based. That measure establishes a portfolio of entrepreneurial development services for our Nation's veterans.

The amendment that he is now offering will go even further. As we have already noted, members of our Armed Forces are natural candidates for entrepreneurship. They exhibit the dedication, resolve and leadership skills that it takes to launch a new enterprise. In many cases, they make excellent Federal contractors as they are familiar with the procurement process or are in fields in high demand by the government.

This amendment takes a very proactive approach by reaching out to members of the military before they are discharged easing their transition back into civilian life.

Today, too many Americans who have worn the uniform of our Nation find themselves unemployed after separating from the service. With this amendment, we create another option, another career path for members of our military.

I thank the gentleman from Virginia for offering this amendment and for all of his work on this bill.

And I now yield to the ranking member from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I have no opposition to the amendment. I support it. I thank the gentlelady for yielding.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back, we are prepared to accept the amendment.

Mr. NYE. I yield back.

Ms. VELÁZQUEZ. I urge the adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. NYE).

The amendment was agreed to.

□ 1600

AMENDMENT NO. 9 OFFERED BY MR. SCHAUER

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–121.

Mr. SCHAUER. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SCHAUER:

Page 50, after line 16, add the following new section:

SEC. 708. SMALL MANUFACTURERS TRANSITION ASSISTANCE PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended, is further amended by adding at the end the following new subsection:

''(s) SMALL MANUFACTURERS TRANSITION ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) provide technical assistance and expertise to small manufacturers with respect to changing operations to another industry sector or reorganizing operations to increase efficiency and profitability;

''(B) assist marketing of the capabilities of small manufacturers outside the principal area of operations of such manufacturers;

''(C) facilitate peer-to-peer and mentor-protege relationships between small manufacturers and corporations and Federal agencies; and

''(D) conduct outreach activities to local small manufacturers with respect to the availability of the services described in subparagraphs (A), (B), and (C).

''(2) DEFINITION OF SMALL MANUFACTURER.—In this subsection, the term 'small manufacturer' means a small business concern engaged in an industry specified in sectors 31, 32, or 33 of the North American Industry Classification System in section 121.201 of title 13, Code of Federal Regulations.

''(3) AWARD SIZE LIMIT.—The Administration may not award an entity more than $250,000 in grant funds under this subsection.

''(4) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(5) AUTHORIZATION.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

The CHAIR. Pursuant to House Resolution 457, the gentleman from Michigan (Mr. SCHAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. SCHAUER. Thank you, Mr. Chair. I yield myself such time as I may consume.

Mr. Chair, I rise to a offer an amendment to address a pressing need in my community and in many communities around the country. We need to help small businesses succeed in this difficult economy. It's not enough to simply survive this downturn; we need to expand and grow jobs, and small businesses are the best way to do that. I'm so pleased that this bill has been brought forward. I thank the chair for her leadership and the sponsor of this bill to address these pressing needs.

In Michigan, we've been fighting this economic fight for 9 years. One of the bright spots in our fight has been the Small Business Development Center program. In my State, our SBDC has a great record of achievement. In 2007, more than 11,000 businesses were served by this program, and these companies created more than 3,000 jobs. In 2008, more than 12,000 businesses were assisted through SBDCs. These businesses included 515 veteran-owned businesses, 2,200 female-owned businesses, and 2,500 startups. Counseling provided by SBDCs helped create more than 3,400 new jobs in Michigan, despite the economic turmoil that my State has been facing.

Clearly, this program works, and my amendment grows this program to help small manufacturers that have been pummeled by this recession. Specifically, Mr. Chair, my amendment creates a $2.5 million pool of funds to establish a grant program. It's a new section in the Small Business Act to create the Small Manufacturers Transition Assistance Program to provide technical assistance and expertise to small manufacturers that are seeking opportunities in different industrial sectors.

For example, if a small machine shop wants to shift from automotive contracting to aviation or aerospace contracting, my amendment provides funding for Small Business Development Centers to provide help with that transition.

And this isn't just a hypothetical situation. This is a very real one in my State where struggling manufacturers are looking to new opportunities to survive and grow.

The SBDCs have had real success in this area, but more resources are needed during these tough times for American manufacturing. That is why I offer this amendment to create the Small Manufacturers Transition Assistance Program. Mr. Chair, these are services that 11,000 to 12,000 businesses a year use in my State, and they're desperately needed at this time. I hope my colleagues will support this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I am not opposed to the amendment. I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. The amendment offered by the gentleman from Michigan is a well-thought-out proposal. In fact, earlier this month, the House Small Business Committee conducted a hearing regarding how small parts suppliers and manufacturers are coping given the current problems in the automobile industry. What we heard is troubling. Experts predict that half of the Nation's auto suppliers will be shut down by 2012. Many have already closed their doors.

These factories are vital not just to the automotive sector but to our overall economy. Parts suppliers alone employ 3.2 million workers. We know that the three big car manufacturers are suffering, but these are the smaller of the smaller, and they need our help. So it is very important what this amendment will do.

In the past, these manufacturers have supplied the American automobile industry, and I believe they can continue to have a bright future. By modernizing their facilities and entering new markets, they can keep offering good-paying jobs to millions of Americans while maintaining a strong manufacturing base in this country.

If we have learned any one thing from the current economic crisis, it is that economic stability starts from the bottom up, not the other way around. By stabilizing small manufacturers and part suppliers, we can help the larger firms in the automotive industry. In that process, we will protect millions of jobs. The amendment before us will further this goal.

I urge its adoption, and I yield to the gentleman from Missouri (Mr. GRAVES) for any comments he wishes to make.

Mr. GRAVES. Mr. Chairman, I have no opposition to the amendment. I associate myself with the remarks of the gentlelady from New York.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back.

Mr. SCHAUER. I thank my colleagues for their support.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. SCHAUER).

The amendment was agreed to.

Ms. VELÁZQUEZ. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURPHY of New York) having assumed the chair, Mr. HOLDEN, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2352) to amend the Small Business Act, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1717

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TONKO) at 5 o'clock and 17 minutes p.m.

RECOGNIZING AMERICA'S TEACHERS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 374.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 374.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 457 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2352.

□ 1718

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes, with Mr. SALAZAR (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 9 printed in House Report 111–121 offered by the gentleman from Michigan (Mr. SCHAUER) had been disposed of.

AMENDMENT NO. 6 OFFERED BY MR. KRATOVIL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. KRATOVIL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 427, noes 0, not voting 12, as follows:

[Roll No. 279]

AYES—427

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Bachmann
Barrett (SC)
Becerra
Bishop (UT)
Braley (IA)
Castor (FL)
Linder
Pierluisi
Sánchez, Linda T.
Speier
Stark
Thompson (PA)

□ 1744

Mr. BURGESS changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1745

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. SALAZAR, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2352) to amend the Small Business Act, and for other purposes, pursuant to House Resolution 457, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mrs. CAPITO. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. CAPITO. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Capito moves to recommit the bill H.R. 2352 to the Committee on Small Business with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new title:

TITLE VIII—ASSISTANCE RELATED TO CARBON EMISSION TAX

SEC. 801. ASSISTANCE RELATED TO CARBON EMISSION TAX.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (S), by striking the final ''and'';

(2) in subparagraph (T), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(U) providing information and technical assistance to any small business owner that faces an increase in costs as a result of the enactment of any program to impose a tax on carbon emissions, either directly or through the operation of a cap and trade system on such emission limits.''.

Mrs. CAPITO (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Madam Speaker, the intent of this motion to recommit is clear. My amendment amends the legislation to include important language that would ensure that small business owners are made aware of adverse effects that could be caused by future energy taxes.

The simple amendment will direct the Small Business Administration to make sure small businesses are provided with information and technical assistance if and when they face an increase in costs as a result of the enactment of any program to impose a tax on carbon emissions, either directly or through the operation of a cap-and-trade system on such amendment emission limits.

Small business owners understand that cap-and-trade is essentially a national energy tax that will hit consumers and business owners alike. Manufacturers and small business owners in States like mine depend on the low cost of energy. These businesses compete in a global marketplace where energy costs are critical to economic success.

The cost increases from a national energy tax will prove to be severely damaging to the bottom lines of small businesses in my State and many others across this country. It is only appropriate to communicate those costs associated with such a policy. Small businesses operate on very clear margins, and it is the duty of this body to protect those job creators, not go after them with increased tax burdens.

I urge adoption of this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Madam Speaker, I understand that the gentlelady is trying to make a point of climate change reform. What I would hope is that you will engage in a constructive dialogue on our long-term energy challenges. I understand the point that you're trying to make, and I will invite you to engage in a constructive dialogue when it comes to climate change reform.

The legislation that you're referring to will provide assistance to small businesses and also small manufacturers as we transition to a green economy, and in fact, the bill that we have before us today creates a green entrepreneurs training program in the sectors of energy efficiency, clean technology. Also, several amendments adopted today will help promote energy efficiency under the Polis amendment. The Women's Business Center program will provide such a system for women-owned firms. The manager's amendment includes several provisions that will assist firms to adopt processes and techniques that will reduce their use of energy.

And, finally, last Congress we passed an energy bill which includes a wide range of provisions that encourage small businesses to become more energy efficient. So we are calibrating the effect that any legislation regarding climate change will have on small businesses, and that is why we are addressing some of those issues in the bill that we have here today.

I applaud the gentlelady's intent to provide more assistance to small businesses, and I accept her motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. CAPITO. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 385, noes 41, not voting 7, as follows:

[Roll No. 280]

AYES—385

Ackerman	Brown, Corrine	Davis (IL)
Aderholt	Brown-Waite, Ginny	Davis (KY)
Adler (NJ)	Buchanan	Davis (TN)
Akin	Burgess	Deal (GA)
Alexander	Burton (IN)	DeFazio
Altmire	Butterfield	DeGette
Andrews	Buyer	Delahunt
Arcuri	Calvert	DeLauro
Austria	Camp	Dent
Baca	Campbell	Diaz-Balart, L.
Bachus	Cantor	Diaz-Balart, M.
Baird	Cao	Dicks
Barrow	Capito	Doggett
Bartlett	Capps	Donnelly (IN)
Barton (TX)	Cardoza	Doyle
Bean	Carnahan	Dreier
Becerra	Carney	Driehaus
Berkley	Carson (IN)	Duncan
Berman	Carter	Edwards (TX)
Berry	Cassidy	Ehlers
Biggert	Castle	Ellison
Bilbray	Castor (FL)	Ellsworth
Bilirakis	Chaffetz	Emerson
Bishop (NY)	Chandler	Engel
Bishop (UT)	Childers	Etheridge
Blackburn	Clyburn	Fallin
Blumenauer	Coble	Fattah
Blunt	Coffman (CO)	Filner
Boccieri	Cohen	Flake
Boehner	Cole	Fleming
Bonner	Conaway	Forbes
Bono Mack	Cooper	Fortenberry
Boozman	Costa	Foster
Boren	Costello	Foxx
Boswell	Courtney	Franks (AZ)
Boucher	Crenshaw	Frelinghuysen
Boustany	Cuellar	Gallegly
Boyd	Culberson	Garrett (NJ)
Brady (PA)	Cummings	Gerlach
Brady (TX)	Dahlkemper	Giffords
Bright	Davis (AL)	Gingrey (GA)
Broun (GA)	Davis (CA)	Gohmert
Brown (SC)		Gonzalez

Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—41

Abercrombie
Baldwin
Bishop (GA)
Capuano
Clarke
Clay
Cleaver
Connolly (VA)
Conyers
Crowley
Dingell
Edwards (MD)
Eshoo
Farr
Frank (MA)
Fudge
Gutierrez
Harman
Hirono
Holt
Honda
Johnson (GA)
Johnson, E. B.
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Markey (MA)
Matsui
McDermott
McGovern
Moore (WI)
Napolitano
Olver
Polis (CO)
Ryan (OH)
Sherman
Tierney
Towns
Tsongas
Waters
Woolsey

NOT VOTING—7

Bachmann
Barrett (SC)
Braley (IA)
LaTourette
Sánchez, Linda T.
Speier
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1812

Ms. WOOLSEY changed her vote from ''aye'' to ''no.''

Messrs. THOMPSON of California, GORDON of Tennessee, GONZALEZ, FATTAH, Ms. KILROY, Messrs. SPRATT, NADLER of New York, and Ms. PINGREE of Maine changed their vote from ''no'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Ms. VELÁZQUEZ. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2352, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

Add at the end the following new title:

TITLE VIII—ASSISTANCE RELATED TO CARBON EMISSION TAX

SEC. 801. ASSISTANCE RELATED TO CARBON EMISSION TAX.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (S), by striking the final ''and'';

(2) in subparagraph (T), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(U) providing information and technical assistance to any small business owner that faces an increase in costs as a result of the enactment of any program to impose a tax on carbon emissions, either directly or through the operation of a cap and trade system on such emission limits.''.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. VELÁZQUEZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 15, not voting 12, as follows:

[Roll No. 281]

YEAS—406

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)

Paulsen	Ryan (WI)	Taylor
Payne	Salazar	Teague
Pence	Sanchez, Loretta	Terry
Perlmutter	Sarbanes	Thompson (CA)
Perriello	Scalise	Thompson (MS)
Peters	Schakowsky	Thompson (PA)
Peterson	Schauer	Thornberry
Petri	Schiff	Tiahrt
Pingree (ME)	Schmidt	Tiberi
Pitts	Schock	Tierney
Platts	Schrader	Titus
Poe (TX)	Schwartz	Tonko
Polis (CO)	Scott (GA)	Towns
Pomeroy	Scott (VA)	Tsongas
Posey	Sensenbrenner	Turner
Price (GA)	Serrano	Upton
Price (NC)	Sessions	Van Hollen
Putnam	Sestak	Velázquez
Quigley	Shea-Porter	Visclosky
Radanovich	Sherman	Walden
Rahall	Shimkus	Walz
Rangel	Shuler	Wamp
Rehberg	Shuster	Wasserman Schultz
Reichert	Simpson	
Reyes	Sires	Waters
Richardson	Skelton	Watson
Rodriguez	Slaughter	Watt
Roe (TN)	Smith (NE)	Waxman
Rogers (AL)	Smith (NJ)	Weiner
Rogers (KY)	Smith (TX)	Welch
Rogers (MI)	Smith (WA)	Westmoreland
Rohrabacher	Snyder	Wexler
Rooney	Souder	Whitfield
Ros-Lehtinen	Space	Wilson (OH)
Roskam	Spratt	Wilson (SC)
Ross	Stearns	Wittman
Rothman (NJ)	Stupak	Wolf
Roybal-Allard	Sullivan	Woolsey
Ruppersberger	Sutton	Wu
Rush	Tanner	Yarmuth
Ryan (OH)	Tauscher	Young (FL)

NAYS—15

Broun (GA)	Flake	Moran (KS)
Campbell	Foxx	Paul
Chaffetz	Franks (AZ)	Royce
Culberson	Hensarling	Shadegg
Duncan	Miller (FL)	Young (AK)

NOT VOTING—12

Bachmann	Harper	Sánchez, Linda T.
Barrett (SC)	Johnson (GA)	
Boyd	King (IA)	Speier
Braley (IA)	Klein (FL)	Stark
Conyers		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KISSELL) (during the vote). There is 1 minute remaining in this vote.

□ 1820

Messrs. POE of Texas and BURTON of Indiana changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Madam Speaker, I regret missing floor votes on Wednesday, May 20, 2009, as I was attending my son's high school graduation in Iowa. If I was present, I would have voted:

''Yea'' on rollcall 273, agreeing to H. Res. 456, providing for consideration of the Senate amendment to the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under open end consumer credit plan, and for other purposes.

''Yea'' on rollcall 274, On Ordering the Previous Question on H. Res. 457, Providing for consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes.

''Aye'' on rollcall 275, agreeing to H. Res. 457, Providing for consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes.

''Aye'' on rollcall 276, Concur In All But Sec. 512 of Senate Amdt. to H.R. 627, Credit Cardholders Bill of Rights Act of 2009.

''Nay'' on rollcall 277, Concur In Sec. 512 of Senate Amdt. to H.R. 627, Credit Cardholders Bill of Rights Act of 2009.

''Aye'' on rollcall 278, On Motion to suspend the Rules and Agree to H. Res. 297, Recognizing May 25, 2009, as National Missing Childrens Day.

''Aye'' on rollcall 279, On Agreeing to the Kratovil of Maryland Amendment to H.R. 2352, Job Creation Through Entrepreneurship Act of 2009.

''Aye'' on rollcall 280, On Motion to recommit H.R. 2352, Job Creation Through Entrepreneurship Act of 2009.

''Yea'' on rollcall 281, On Passage of H.R. 2352, Job Creation Through Entrepreneurship Act of 2009.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2352, JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 2352.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. 454, WEAPON SYSTEM ACQUISITION REFORM ACT OF 2009

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 111–125) on the resolution (H. Res. 463) providing for consideration of the conference report to accompany the Senate bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 915, FAA REAUTHORIZATION ACT OF 2009

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 111–126) on the resolution (H. Res. 464) providing for consideration of the bill (H.R. 915) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ROSLYN LITTMAN SCHULTE

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of New York. Mr. Speaker, I rise today with a very sad duty of reporting the tragic passing of Roslyn Littman Schulte, who was taken from us by a roadside bomb just north of Kabul earlier today while serving our country.

Roslyn Schulte was a first lieutenant in the United States Air Force, an intelligence officer, and the younger sister of my chief of staff, and a great friend of this body, Todd Schulte.

Roslyn Schulte was born March 18, 1984, in St. Louis, Missouri. She was a graduate of John Burroughs High School in St. Louis, and attended the United States Air Force Academy, where she graduated in 2006. She was deployed to Afghanistan on February 18 of this year.

Like so many patriotic Americans, Lieutenant Schulte was willing to give her life in service to all of us and to her country. The expression of our gratitude to her is beyond words.

Roslyn is survived by her parents, Bob and Suzy Schulte, and her brother, Todd. The thoughts and prayers of a grateful Nation are with the Schulte family and with Roslyn's fellow troops and friends at this difficult time.

As we stand on this floor and debate the profound issues of our times, let us never forget the true cost of the freedoms that we so often take for granted.

NOMINATION OF DAWN JOHNSEN

(Mr. CANTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANTOR. Mr. Speaker, I rise today with deep and growing concern over President Obama's nomination of Dawn Johnsen to head up the Justice Department's Office of Legal Counsel. My worry isn't merely her position on the question of life. It's that she routinely has taken hard-line stances and made extreme statements that cast doubt on her fitness to manage the power entrusted to her in a responsible way.

Ms. Johnsen has claimed that abortion restrictions ''reduce pregnant women to no more than fetal container.'' Her arguments have compared pro-life advocates to the KKK and pregnancy to slavery.

The Office of Legal Counsel does not need an activist. It needs someone with a temperament to accurately inform the administration on the legality of policies being contemplated.

I encourage Members of the Senate, including my Senator from Virginia, Senator WEBB, to vote against this nomination.

HONORING ROSLYN LITTMAN SCHULTE

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I too today rise with a heavy heart. We learned early this morning that America lost a great patriot, Roslyn Littman Schulte, who was killed this morning just north of Kabul by a roadside bomb.

First Lieutenant Schulte, an intelligence officer in the United States Air Force, was serving in Afghanistan. She was only 25 years old.

A 2006 graduate of the United States Air Force Academy, Roslyn was born and raised in St. Louis, Missouri.

I am heartbroken for a good friend of many of us, Todd Schulte, chief of staff to Congressman SCOTT MURPHY, who is Roslyn's brother. It is on days like today that we must remind ourselves of the great sacrifices that members of the armed services and their families make in defense of freedom and the security of the United States.

My thoughts and prayers are with her parents, Bob and Suzy, her brother Todd, her extended family and her unit at this grievous time.

NOMINATION OF DAWN JOHNSEN

(Mr. THORNBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THORNBERRY. Mr. Speaker, one of the key lessons from the release of legal memos analyzing interrogation techniques is the importance of the Office of Legal Counsel in the Justice Department. One may agree or disagree with the analysis used in the past, but they were quite clear and quite specific on what was allowed and what was not, down to the number of seconds that each technique could be used.

The lawyer's opinions were binding. If they had prohibited a technique, for example, that lowered a terrorist suspect's self-esteem, then that opinion would be binding too.

The importance of this position in our government is highlighted by the controversial nomination that President Obama has made for this position. The opinions of Professor Dawn Johnsen that she has expressed in the past, and her reluctance to provide clear answers today, call into question her opinions and whether they could be the basis upon which our national security professionals could do their job.

Our colleagues in the other body should be very cautious when considering this nomination when so much is at stake.

ARMY RESERVISTS FROM THE NORTHERN MARIANA ISLANDS WHO ARE SERVING IN KUWAIT

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, I rise today to recognize the remarkable men from the Northern Mariana Islands who are presently serving their country in Kuwait. These 78 heroic Army Reservists are members of Echo Company, 100th Battalion, 442nd Infantry Regiment. The 442nd is well known for bravery under tough conditions, and that attitude is embodied in its motto: ''Go for broke.''

Echo Company is operating under tough conditions. This is the second deployment for this detachment since the U.S. went to war in the Middle East. The company was first sent into combat from August 2004 to February 2006 for 19 months. The current deployment began last August and will end sometime in September after another 14 months.

These are tough conditions. These soldiers must leave families behind, and their spouses must do their best on their own while praying for the safe return of their loved ones. And some do not return home. The Northern Marianas has already lost 11 individuals in the combat zone just in this war alone.

I have a special connection to Echo Company. I was one of the first volunteers for the 442nd when it was first established in the early 1980s in the Northern Marianas. More so, I know most of these men on a personal basis as family, friend or neighbor.

I stand before this body today with the utmost respect and gratitude to individuals from the Northern Marianas and from everywhere in America who bravely serve our Nation and its people.

To Echo Company, I say Godspeed and Si Yu'us Ma'a'se.

□ 1830

NOMINATION OF DAWN JOHNSEN—LIFE ISSUES

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the President has said we should find common ground on the issue of abortion, but his nomination of Dawn Johnsen to head up the Office of Legal Counsel is amongst the most controversial of his nominees.

Johnsen, who formerly worked for NARAL and the ACLU's Reproductive Freedom Project has compared pregnancy to involuntary servitude. She has described pregnant women as ''losers in the contraceptive lottery.'' She criticized then Senator Clinton for claiming a need to keep abortions rare. Some of her positions encompass questionable legal arguments, including the assertion that abortion bans might undermine the 13th Amendment, which bans slavery.

I quote her here: ''Statutes that curtail a woman's abortion choice are disturbingly suggestive of involuntary servitude, prohibited by the 13th Amendment, in that forced pregnancy requires a woman to provide continuous physical service to the fetus in order to further the State's asserted interest.''

A quote again: ''Our position is that there is no 'father' and no 'child'—just a fetus. Any move by the courts to force a woman to have a child amounts to involuntary servitude.''

I and millions of other women do not feel this way. We cherish the opportunity to have borne a child.

THE LOSS OF AMERICA'S MANUFACTURING SECTOR

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, Americans are tired of watching our manufacturing sector move overseas. We need to implement policies that encourage companies to invest here in America and that make the cost of doing business less expensive. Lowering corporate tax rates, creating tax incentives for purchasing new plant equipment and increasing depreciation allowances all would be helpful in expanding investment here.

Unfortunately, House Democrats are advancing cap-and-tax legislation that has many theoretical benefits but one absolute consequence—the loss of millions of American manufacturing jobs. The Democrats' response to global warming is to tax coal, of which we have hundreds of years of reserves, and to tax oil so that Americans will start using other power sources. Employers who are in globally competitive industries and who can't simply raise the cost of their goods will be forced to lay off even more people, as their factories close, to pay for a program that may or may not be necessary to reverse climate change.

I, for one, am not willing to sacrifice two American manufacturing jobs for every one green job. I hope all Americans will let their legislators know they don't want to pay higher taxes on energy while watching their jobs disappear.

NATIONAL ENERGY TAX

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. As we stand in Congress this evening, legislation on climate change continues to move through this body. As more Americans are realizing

every day, the cap-and-trade legislation is nothing more than a national energy tax that will raise the energy costs on every American household by thousands of dollars a year. It will hit the Midwest, low-income Americans and Americans on fixed incomes the hardest.

The President, himself, said more than a year ago that, if his cap-and-trade proposal became law, utility rates would, in his words now, ''necessarily skyrocket.'' Millions of Americans are catching on.

Next week, House Republicans will go from coast to coast in this country with energy summits, taking our case against this national energy tax to the four corners of this Nation. I look forward to engaging the American people. During these tough economic times, the last thing we should do is raise the burden and the cost of energy on every working family in this Nation.

Let's say ''no'' to a national energy tax and say ''no'' to cap-and-trade.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE STABILIZATION OF IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–42

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication. This notice states that the national emergency with respect to the stabilization of Iraq declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2009.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken to deal with that national emergency.

BARACK OBAMA.

THE WHITE HOUSE, *May 19, 2009.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

SAVING AN EMBLEM OF THE AMERICAN SPIRIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, President Obama has stated that America can not, must not and will not let our auto industry simply vanish. The industry is like no other, he said—''an emblem of the American spirit, a once and future symbol of America's success.'' I could not agree more with the President. We must do what we need to do to save this vital industry in the face of the Wall Street meltdown and virulent and often unfair foreign competition. No major industrial power has ever survived without a strong automobile industry.

First of all, auto production is essential for our domestic economic security. Automobiles built the middle class in America, and they made possible the greatest economic and continental expansion the world has ever seen.

Secondly, auto production is essential for our national defense. When President Obama talks about the future symbol of America's success, he is talking about my district, including Toledo, as well as Sandusky and Lorain, but also Cleveland and Youngstown and, of course, Detroit. Why? Because we have been sowing the seeds for the rebirth of the American automobile industry in these communities and especially in my hometown of Toledo—that is, until Wall Street hit us with a blunt mallet.

Mr. Speaker, Toledo is looking forward to a visit tomorrow by Dr. Ed Montgomery, the President's auto czar. He will visit Dayton as well as our hometown. In Toledo, we are going to tell him the story of automobiles and what they mean to America. We'll tell him how Toledo has been making cars for over 100 years, starting with an entrepreneur named John North Willys, who founded an auto company in Toledo that became Willys-Overland, later owned by Kaiser, then by Chrysler.

Willys-Overland is a perfect example of the importance of automobiles in America. Willys was the second largest carmaker in America from 1912 to 1918—only Ford was larger—and then it took off when it won a spirited national competition, which we should repeat, to build the rough-and-ready vehicle that General George C. Marshall wanted for U.S. troops in the war. That vehicle was the Jeep.

When President Obama talks about an emblem of the American spirit, he could have been talking about the Jeep plant in Toledo, Ohio, because nowhere else did the American spirit manifest itself more magnificently. When World War II started, the United States was caught flatfooted. When Hitler invaded Poland, the United States had the 16th largest army in the world, just ahead of Bulgaria. If not for our domestic automobile platform, America could not have mobilized its industrial might to turn back Adolf Hitler and save the world.

Toledo workers, my friends and family and, indeed, their parents answered our Nation's call and turned out hundreds of thousands of Jeeps during World War II. Men and women alike, they helped win the war, and they were proud of their contribution and deserved to be.

The goodwill alone associated with the Jeep brand name is still magic today around the world.

We'll tell Dr. Montgomery how the Toledo factory is today the most modern and efficient, indeed, the most innovative in the Chrysler family, how it's a model for flexible manufacturing production and labor management relations across this continent. We'll tell Dr. Montgomery that Toledo, Ohio, will be what President Obama calls ''the future system of America's success'' as the home, not only of Chrysler innovation and efficiency, but of General Motors' new green, six-speed transmission plant that won the Harbour & Associates' top ranking for productivity for 5 straight years and that it is poised to lead the way in America for the fuel-efficient and low-polluting vehicles of the future.

We'll tell Dr. Montgomery how the University of Toledo, through its clean and alternative energy incubator, is leading the way in research and development and in the commercialization of green power, including for vehicles, and how the University of Toledo Transportation Center is focusing on economic development through transportation, research and education.

Detroit will always be Motown and the Motor City, but the rebirth of the American automobile industry will happen in places like Toledo, where our legacy leads us to innovate, to create, to collaborate, and to meet the challenges of a new century and to build a new symbol of America's success. Frankly, it's time for a new national competition, for the rough-and-ready vehicles of the future. We know those will be built in Toledo, Ohio.

NATIONALIZED HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the talk around town is universal health care for all Americans. This is a noble ideal and a great goal, but the real question is: Do we want universal health care run by the government or universal health care run by the private sector? That is the question to be asked and answered.

Even though every Nation that has tried socialized public health care has proven it's unaffordable, doesn't work and provides inferior health care, those who want the United States Government to run every aspect of our lives still demand public health care. Let's look at a couple of examples of socialized, nationalized health care:

Katie Brickell is a young woman who lives in Great Britain where they have government-run health care. When Katie was 19, she tried to get a test for cervical cancer, which is a matter of routine here in the United States. Katie was told that she had to wait until she was 20. When she tried again at 20, she was told that the age was moved to 25 so the government could save some money. While waiting 5 more years because some bureaucrat told her that's what she had to do, Katie got sick and was diagnosed with cervical cancer.

Now some bureaucrat is telling this young lady, who is just starting out in her adult life, that her disease is not treatable, all because some bureaucrat said it cost too much. Neither Katie nor her doctor made a medical decision, but this no-named bureaucrat made all of these decisions. This is the British example of government-run, universal public health care.

Charlie Wadge lives in Canada where they have long waiting lines and rationed health care because they have a government-run system. Limping badly, Charlie was diagnosed with arthritis in his hip. When he needed his replacement surgery, the bureaucrats told him he'd have to be on a waiting list for between 18 months and 2 years before he could have that surgery. Charlie paid what we call a private medical broker, who negotiated a price for him to have surgery in the United States, in Oklahoma City.

□ 1845

He had to pay for the whole thing out of his pocket—and it's a good thing he had the money. At least he can walk. Left up to Canada's system of universal-run, government-rationed health care, he would have probably been permanently crippled by now.

Now if we want an example of what health care run by the American bureaucrats looks like, we should examine Medicare, Medicaid, or even the VA. These government programs are now a disaster. They waste so much money, and they will probably completely go bankrupt if they're not overhauled.

The Medicare program trustees just a week ago said the program has ''unfunded liability'' of nearly $38 trillion. That's the amount of benefits promised to Americans but not paid by them through taxes. If we don't fix the waste and inefficiency in Medicare, Medicaid, and the VA, millions of people will not be treated properly. Taxes keep going up but these government-run health care services in the United States keep getting worse.

The kind of government-run health care that is being considered right now will have the same sort of underpayments to doctors and hospitals that we see in Medicare and Medicaid. Even with the massive taxes that would come up with this government health care program, if people think health care is expensive now, just wait until it's free.

The government underpaying for services will force the price of medical insurance so high to make up for the gap in what health care really costs that their employer will no longer be able to afford the health insurance.

Studies have shown the kind of government-run health care being worked on by Congress tonight, right now, will end up forcing 120 million Americans on the government plan for this very reason. 120 million Americans who get their health care from their jobs would have to go into the government system because their employer cannot afford to pay for the high cost of insurance. That's half of the Americans in this country today.

But the most frightening part of the government plans being considered is the rationing of health care for procedures based on cost, age, and survivability rate. Let me repeat: Health care will be rationed based on cost, age, and survivability rate.

Somebody needs to explain to me how it's an improvement in our health care system for somebody in Washington, D.C., to decide that someone can't have a cancer treatment because it's too expensive, like is happening in England right now. Or that people can't have a medical procedure because some bureaucrat thinks it's too expensive because they're too old. The patient and doctor will be completely cut out of the decisionmaking process. And that is wrong.

There's an alternative plan to put all Americans on universal coverage even without raising taxes. This idea would leave decisions about people's health care between their doctor and the patient, not the bureaucrats and the taxacrats in D.C. It's a plan to put everyone on private insurance plans. This deserves a close examination by this Congress.

We'd better take a long look at the choices we have, Mr. Speaker. If we go down the road of government-run health care in America, we will destroy the best health care structure in the world.

Mr. Speaker, the new government, nationalized, impersonal health care system will have the compassion of the IRS, the competence of FEMA, and the efficiency of the post office.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

(Mr. QUIGLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INVISIBLE CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Imagine, if you can, living in a place so plagued by war and kidnapping that you have to walk up to 12 miles a day just to find a place to sleep at night that's safe. As Americans, I don't think we can fully grasp what that would be like. But, for thousands of children living in northern Uganda today, this is their daily commute. This is their life.

For fear of being abducted by rebel leader Joseph Kony and his Lord's Resistance Army, children living in rural homes and villages would walk to town centers to sleep where they could hope to be safe. The children were among the victims of a conflict that began in 1986, and that somehow still continues today in Uganda and neighboring countries.

Lacking support from the local population, Kony resorted to kidnapping children as young as 8 years old and conscripting them to his army. The children have been brutalized and forced to commit atrocities on fellow abductees and even siblings. The vicious initiations were meant to break the children's ties to their community and gain their loyalty to the LRA. More than 25,000 children have been abducted over the course of this 23-year conflict.

While many Americans first learned about this issue when they saw a film made by college-age students called Invisible Children, many more remain unaware of the violence and suffering happening half a world away. I was recently reminded of the severity of this situation when students in my hometown of Hays and the community of Sterling, Kansas, shared with me the latest news from this conflict.

In 2006, many were hopeful a peace agreement could be reached to allow a new generation of children to finally live a life free of fear. Although it appeared progress had been made, Kony

refused to sign the final agreement in 2008, and instead escalated his attacks. Since then, the LRA has killed more than 1,000, including more than 200 on Christmas Day. The LRA has also abducted more than 450 children during this time.

A few weeks ago, concerned citizens from around the world, in more than 100 cities, participated in an event called the Rescue to raise awareness about the conflict and call on their elected officials—people here in this House of Representatives—to take action. Two of these events were held in my home State—in Wichita and Kansas City.

I'm here today to join my voice with the voices of those that participated in the Rescue and to call on Congress to support efforts to end the violence and to rebuild shattered lives.

People look to the United States to defend those who cannot help themselves, to free the oppressed, and to champion the cause of freedom. This Congress can be the voice for those who have none.

As Brandon Nimz, a student at Fort Hayes State University, who is active in raising awareness about this issue, said in a recent letter to the editor, ''In this time when the world does not look very kindly toward the United States, I believe we must show everyone that we're not driven solely by a need for power and influence—we do have a heart. Even though we will receive no political or economic gains by helping these defenseless villagers in the five affected African nations, it is the right thing to do.''

Mr. Speaker and colleagues, tonight let us show that America does indeed have that heart. Please join me in doing the right thing by taking action to help this conflict and protect the helpless.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

107TH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. I rise today because it is the 107th anniversary of the independence of the Republic of Cuba. May 20, 1902.

Most people, Mr. Speaker, think that independence of the Republic of Cuba was obtained from Spain. It was not. The fight was against Spain for almost 100 years. Hundreds of thousands of heroic Cubans lost their lives. Then, the United States intervened to help Cuba in 1898. And this Congress was instrumental in making certain that after there was pacification—and obviously Spanish colonialism had been expelled—that the Republic of Cuba would be possible.

The United States voluntarily left Cuba. Withdrew. Granted Cuba its independence by withdrawing. May 20, 1902.

So, today is an anniversary of a very important occasion. It's a sad anniversary, because 50 years ago the Cuban Republic fell in the hands of a demented serial killer, a demonic mass murderer, Fidel Castro. And he continues to rule. He has been ill for some years and so he has granted some titles of power to his brother. But he continues to be the absolute, personal, total dictator of the totalitarian circus that oppresses the Cuban people.

There are hundreds of recognized prisoners of conscience—journalists, librarians, teachers, lawyers, physicians; people who simply have expressed their point of view that they want to see Cuba free. They're in the dungeons. And there are thousands of others who are there as well because they violated so-called laws that would not and do not exist in democratic nations. They're imprisoned for things such as dangerousness. Untold thousands thus are political prisoners in Cuba, suffering in the gulag because they have bothered that demonic mass murderer in some way, because they seek freedom, those political prisoners.

Now the system, the totalitarian system that has lasted 50 years, is rotten to the core, Mr. Speaker. Not only does it have the abject opposition, rejection of the entire people, in consensus fashion, the entire nation, but it's putrefied. It's absolutely rotten. And that system is in effect a corpse that is unburied.

So, when the dictator does finally die, that circus, that system, totalitarian, oppressive system will die with them. We have seen, in recent examples in very personalized dictatorships, whether it's Franco in Spain or Trujillo in the Dominican Republic, it's a matter of months or years. Their systems die with them. That's what we're going to see in Cuba.

Now, Mr. Speaker, I will submit for the CONGRESSIONAL RECORD a very important letter and list of signatories received just a few days ago. It was sent to the Organization of American States because there's this pathetic, grotesque effort to readmit the Cuban military dictatorship that's lasted 50 years into the inter-American system, including the Organization of American States. And 300 dissidents have signed this letter.

These are the heroes of Cuba; mostly young people, many of them wearing bracelets like this, calling for change. They're the future of Cuba. And I recommend to my colleagues and the American people—and I will put it on my Web site—that they see the names of the future leaders of democratic Cuba.

TO THE ORGANIZATION OF AMERICAN STATES

Republic of Cuba, May 15, 2009

We, members of the Cuban democratic opposition, along with our brothers in the Resistance who are exiled, consider it necessary to address you in the name of our people's sovereign democratic aspirations.

We contemplate how a call for the readmission of the longest-lived and most oppressive of Latin American dictatorships to has been raised in the Latin American region, which, as if were not enough, the Castro dictatorship itself has reviled. It is a painful contradiction for the complete normalization of all ties with this tyrannical regime and the diplomatic acceptance of despotic rule on our Island to be proposed precisely on the 50th anniversary of the advent of totalitarianism in Cuba.

Cuba has not been separated from the OAS. It is the tyrannical regime which violates the public liberties of Cubans that has been separated. It is the Cuban nation which has continued to belong to this organization in symbolic tribute to the thousands of Cubans who have paid harshly for their democratic resistance against this regime.

Nevertheless, what worries us most is not the affront which would be committed against our rights by accepting the dictatorship which oppresses us as an equal in terms of the fundamental values of its democratic neighbors, but rather the damage that would be inflicted on the hemisphere itself.

It has cost great pain and sacrifice to banish dictatorships from our Latin America. To ignore the Inter American Democratic Charter, and specifically articles 1, 2, and 3 which state:

Article 1—The peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it.

Article 2—The effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American States.

Article 3—Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.

To readmit the totalitarian Castro regime to the OAS would mean opening the door to every kind of future despotism for the region, and would portend grave and unpredictable consequences for the millions of human beings who are part of the Latin American community.

We ask you, in the name of the very values of civilization, not to take this step. To do so would be to lower our American democratic community to the level of totalitarian barbarism. The 1962 Resolution expresses a clear democratic principle: there can be no democratic tolerance for the institutionalized violation of human rights embodied totalitarian, Marxist-Leninist regimes.

The Inter-American Commission of Human Rights, an institution affiliated to the OAS, has been one of the most serious and consistent institutions to document the atrocities committed by the Castro dictatorship against its own people.

Furthermore, we consider that the free Cuban nation would leave through the same door that the Castro regime may potentially be admitted to the OAS.

Consideramos además que por la misma puerta que entraría la dictadura castrista al ser admitida potencialmente por la OEA, saldría la nación cubana libre.

Embrace the Cuban people. Condemn its dictatorship. Do not reinstate the Castro regime in the Latin American democratic community; open the doors of the OAS to the Cuban civil society that non-violently struggles for democratic transformation.

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162. Lázara Bárbara Cendiña Recarte, Consejo de Relatores de Derechos Humanos de Cuba, Ciudad de La Habana
163. Leonardo Fernández Cutiño, Movimiento 10 de diciembre, Unidad Camagüeyana de Derechos Humanos, Camagüey.
164. Leonardo Morejón Sorra, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
165. Leticia Ramos Herrería, Consejo de Relatores de Derechos Humanos, Movimiento Femenino Martha Abreu, Matanzas.

166. Libertad Acosta Díaz, esposa del ex prisionero político y de conciencia Bernardo Arévalo Padrón, Cienfuegos.
167. Liliana Bencomo Menéndez, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
168. Liliana Morfis Núñez, Colegio de Pedagogos Independientes de Cuba, Hoguín.
169. Liliana Morfis Núñez, Colegio de Pedagogos Independientes de Cuba, Holguín.
170. Lisandra Domíbguez Mora, Movimiento Cristiano de Cuba, Holguín.
171. Lissete Zamora Carrandi, periodista independiente, Coalición Central Opositora, Villa Clara.
172. Lizardo Vargas González, Movimiento Cristiano de Cuba, Holguín.
173. Loreto Hernández García, Presidio Político Pedro Luis Boitel, Coalición Central Opositora. Villa Clara.
174. Luciano Vera Leiva, Movimiento Cristiano de Cuba, Holguín.
175. Luis González Medina, Partido pro Derechos Humanos de Cuba afiliado a la Fundación Andrei Sajarov, Provincia Habana.
176. Luis Julián Báez Sierra, Partido Democrático 30 de Noviembre Frank País, Manzanillo, Granma
177. Luis Miguel González Leiva, Partido Liberal de Cuba, Coalición Central Opositora.
178. Luis Orlando Quintana Rodríguez, Movimiento Cristiano de Cuba, Holguín.
179. Luz María Barceló Padrón, Partido pro Derechos Humanos de Cuba afiliado a la Fundación Andrei Sajarov, Provincia Habana.
180. Magaly Norvis Otero Suárez, periodista independiente Agencia ALAS, Ciudad de La Habana.
181. Maikel Verdecia Torres, Fundación Cubana de Derechos Humanos, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
182. Maiky Martorell Mayans, Sindicato Obrero Independiente Victoria, Las Tunas.
183. Mailet Sierra Pupo, Colegio de Pedagogos Independientes de Cuba, Holguín.
184. Maite Verdecia Torres, Presidio Político Pedro Luis Boitel.
185. Manuel González Miranda, Movimiento de Resistencia Civica Pedro Luis Boitel, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
186. Manuel González Rodríguez, Movimiento de Resistencia Cívica Pedro Luis Boitel, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
187. Manuel Martínez León, Círculos Democráticos Municipalistas, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
188. Marcelina Lara Morales, Consejo Nacional por los Derechos Civiles, Movimiento Feminista por los Derechos Civiles Rosa Parks, Coalición Central Opositora. Villa Clara.
189. Marcos Antonio Fuster Ciguenza, Movimiento Cubano de Jóvens por la Democracia, Santiago de Cuba.
190. Marcos Pupo Ramírez, Movimiento Cristiano de Cuba, Holguin.
191. Margarito Broche Espinosa, Consejo de Relatores de Derechos Humanos de Cuba, Villa Clara.
192. Maria de la Caridad Noa Gonzalez, Consejo de Relatores de Derechos Humanos de Cuba, Villa Clara.
193. Maria Esther Blanco Aguirre, Dama de Blanco, esposa del prisionero político Próspero Gainza Agüero, Holguín.
194. Maria López Báez, Fotoreportera del Centro de Información Hablemos Press, Ciudad de La Habana.
195. Maria Magdalena Moreno Cadenas, Partido Democrático 30 de Noviembre Frank Pais, Manzanillo, Granma.
196. Mariano Hernández Creag, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
197. Mariano Vera Espinosa, Movimiento Cristiano de Cuba, Holguín.
198. Mario Camoira Aguilera, Partido Pro Derechos Humanos Afiliado a la Fundación Andrei Sajarov, Alianza Democrática Oriental, Holguín.
199. Mario Hechavarria Driggs, periodista independiente, Ciudad de La Habana.
200. Maritza Ross Morrieta, Colegio de Pedagogos Independientes de Cuba, Holguín.
201. Marlene Bermúdez Sardiñas, Asamblea para Promover la Sociedad Civil en Cuba, Bibliotecas Independientes, Camagüey.
202. Marlon Guillermo Martorell Quiñonez, Colegio de Pedagogos Independientes de Cuba, Sindicato Obrero Independiente Victoria, Holguín.
203. Marta Díaz Rondón, Movimiento Feminista por los Derechos Civiles Rosa Parks, Alianza Democratica Oriental. Holguín.
204. Mayelín Méndez Rivas, Sindicato Obrero Independiente Victoria, Las Tunas.
205. Maylín Katiusca Sánchez Ramayo, Liliana Morfis Núñez, Colegio de Pedagogos Independientes de Cuba, Hoguín.
206. Mayra Morejón, Partido por la Unidad Democrática Cristiana de Cuba, Consejo de Relatores de Derechos Humanos de Cuba, Ciudad de La Habana
207. Melba Santana Ariz, Dama de Blanco, esposa del prisionero político Rodolfo Domínguez Batista, Las Tunas
208. Mercedes Fresneda Castillo, Circulos Democráticos Municipalistas, Partido por la Unidad Democrática Cristiana de Cuba, Ciudad de La Habana.
209. Michel Oliva López, Plantados, Coalición Central Opositora.
210. Miguel Angel López Herrera, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
211. Miguel Carmenate Batista, Partido Liberal de Cuba.
212. Miguel López Santos, Partido Democrático 30 de Noviembre Frank País. Ciudad de La Habana.
213. Miguel Martorell Quiñones, Sindicato Obrero Independiente Victoria, Las Tunas.
214. Milagros Rondón Leiva, Fraternidad de Ciegos Independientes de Cuba, Ciego de Avila.
215. Mildred Nohemí Sánchez Infante, Movimiento Cubano de Jóvenes por la Democracia, Holguín.
216. Milena Rodríguez Pelayo, Movimiento Feminista por los Derechos Civiles Rosa Parks, Alianza Democrática Oriental, Holguín.
217. Nelson Ramón Peña Camejo, Movimiento Cristiano de Cuba, Holguín.
218. Néstor Rodríguez Lobaina, Movimiento Cubano de Jóvenes por la Democracia, Alianza Democrática Oriental.
219. Néstor Rodríguez Lobaina, Movimiento Cubano de Jóvenes por la Democracia, Alianza Democrática Oriental, Guantánamo.
220. Niober García Fournier, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
221. Noelia Pedraza Jiménez, Consejo de Realtores de Derechos Humanos de Cuba, Dama de Blanco, Villa Clara.
222. Norberto Gómez Paz, Sindicato Obrero Independiente Victoria, Las Tunas.
223. Odalina Cruz Ricardo, Sindicato Obrero Independiente Victoria, Las Tunas.
224. Orestes Rodríguez Bustamante, Corriente Martiana, Provincia Habana.
225. Osmani Cobas Rodríguez, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
226. Osvaldo Rams de la Cruz, Movimiento Cubano de Jóvenes por la Democracia, Santiago de Cuba.
227. Pedro Enrique Martínez Machado, Consejo de Relatores de Derechos Humanos de Cuba, Santiago de Cuba.
228. Pedro González Rodríguez, Movimiento de Resistencia Cívica Pedro Luis Boitel, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
229. Pedro Luis Olivera Martínez, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
230. Pedro Maga Zaldívar, Colegio de Pedagogos Independientes de Cuba, Holguín.
231. Prudencio Nápoles Hidalgo, Fraternidad de Ciegos Independientes de Cuba, Ciego de Avila.
232. Quirenia Cossio Fonseca, Movimiento Cubano de Jóvenes por la Democracia, Santiago de Cuba.
233. Rafael Meneses Pupo, prisionero político, Presidio Político Pedro Luis Boitel.
234. Rafael Santiesteban Marrero, Partido Pro Derechos Humanos Afiliado a la Fundación Andrei Sajarov, Alianza Democrática Oriental, Holguín.
235. Ramón Reyes Orama, Presidio Político Pedro Luis Boitel, Alianza Democrática Orienta, Holguín.
236. Ramóna Sánchez Ramírez, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
237. Raúl Borges Alvares, Partido por la Unidad Democrática Cristiana de Cuba, Consejo de Relatores de Derechos Humanos de Cuba, Ciudad de La Habana.
238. Raúl Hipoli Leiva, Sindicato Obrero Independiente Victoria, Las Tunas.
239. Raúl Hipoli Miranda, Sindicato Obrero Independiente Victoria, Las Tunas.
240. Raúl Luis García Tirado, Partido Liberal de Cuba.
241. Raúl Luis Risco Pérez, ex prisionero político, Presidio Político Pedro Luis Boitel, Movimiento Solidario Expresión Libre, Pinar del Rio.
242. Raúl Menéndez Martínez, ex prisionero político del Presidio Político Histórico, Villa Clara.
243. Raúl Parada Ramírez, Centro de Información Hablemos Press, Cienfuegos.
244. Reina Luisa Tamayo Dánger, Dama de Blanco, madre del prisionero político Orlando Zapata Tamayo, Holguín.
245. Reinaldo Cabalet Del Risco, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
246. Reinaldo Rivera Fasli, Liliana Morfis Núñez, Colegio de Pedagogos Independientes de Cuba, Hoguín.
247. Reinaldo Villafaña Villavicencio, Movimiento 24 de febrero, Unidad Camagüeyana de Derechos Humanos, Camagüey.
248. Ricardo González Cendiña, Consejo de Relatores de Derechos Humanos de Cuba, Ciudad de La Habana.
249. Ricardo Pupo Sierra, Plantados, Coalición Central Opositora, Cienfuegos.
250. Roberto de Jesús Guerra Pérez, Centro de Información Hablemos Press, Ciudad de La Habana.
251. Roberto Escalona Blanco, Fundación Cubana de Derechos Humanos, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
252. Roberto Marrero La Rosa, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
253. Roberto Pupo Sierra, Partido Liberal de Cuba, Coalición Central Opositora.
254. Roberto Yoel Fonseca Rojo, Partido Democrático 30 de Noviembre Frank Pais, Manzanillo, Granma.
255. Rodolfo Domínguez Batista, prisionero político y de conciencia, Las Tunas.
256. Rodolfo Ramírez Cardoso, Movimiento Línea Pacifica Democrática, Ciudad de La Habana.

257. Rogelio Tavio López, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
258. Rogelio Tavio Ramírez, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
259. Rolando Rodríguez Lobaina, Movimiento Cubano de Jóvenes por la Democracia, Alianza Democratico Oriental, Guantánamo.
260. Rosaida Ramírez Matos, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
261. Rosina González Cruz, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
262. Rubén Ignacio Núñez San Miguel, Partido Democrático 30 de Noviembre Frank País, Manzanillo, Granma.
263. Ruperto Pérez Zayas, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
264. Sahilí Navarro Alvarez, Dama de Blanco, hija del prisionero político Félix Navarro Rodríguez, Matanzas.
265. Sandra Guerra Pérez, Centro de información Hablemos Press, Provincia Habana.
266. Sandra Rey Moreno, Movimiento Feminista por los Derechos Civiles Rosa Parks, Coalición Central Opositora, Villa Clara.
267. Santa Lilián Rodríguez Rodríguez, Movimiento de Resistencia Cívica Pedro Luis Boitel, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
268. Santos Alberto Escalona Blanco, Fundación Cubana de Derechos Humanos, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
269. Segundo Rey Cabrera González, Comité Cubano Pro Derechos Humanos, Consejo de Relatores de Derechos Humanos de Cuba, Sancti Spiritus.
270. Solícito Mena Contreras, Presidio Político Pedro Luis Boitel, Coalición Central Opositora, Villa Clara.
271. Sonia Alvarez Campillo, Dama de Blanco, esposa del prisionero político Félix Navarro Rodríguez, Matanzas.
272. Tamara Carmenate Betancourt, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
273. Tania Maseda Guerra, Consejo de Relatores de Derechos Humanos de Cuba, Ciudad de La Habana.
274. Tatiana Murillo Guerra, Partido Democrático 30 de Noviembre Frank País, Manzanillo, Granma.
275. Tatiana Parra Pérez, Liliana Morfis Núñez, Colegio de Pedagogos Independientes de Cuba, Hoguín.
276. Teófilo Alvarez Gil, Círculos Democráticos Municipalistas, Fundación Cubana de Derechos Humanos, Camagüey.
277. Víctor Kindelán Sánchez, Movimiento Cubano de Jóvenes por la Democracia, Holguín.
278. Virgilio Mantilla Arango, Fundación Cubana de Derechos Humanos, Unidad Camagüeyana de Derechos Humanos, Camagüey.
279. William Alexis Reyes Mir, prisionero político, Presidio Político Pedro Luis Boitel.
280. William Rodríguez Paredes, Movimiento 24 de febrero, Provincia Habana.
281. Wladimir Aguilera Portelles, Partido Pro Derechos Humanos Afiliado a la Fundación Andrei Sajarov, Alianza Democrática Oriental, Holguín.
282. Wladimir Hall de la Torre, Partido Pro Derechos Humanos Afiliado a la Fundación Andrei Sajarov, Alianza Democrática Oriental, Holguín.
283. Yaité Dianellis Cruz Sosa, Movimiento Feminista por los Derechos Civiles Rosa Parks.
284. Yamila Sofía Saumell Naranjo, Partido Democrático 30 de Noviembre Frank País, Manzanillo, Granma.
285. Yamisleidy Portilla Olivera, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
286. Yanoski Echevarría Rodríguez, Partido Cubano Demócrata Cristiano, Unidad Camagüeyana de Derechos Humanos, Camagüey.
287. Yoan Alexis Mir Torres, Colegio de Pedagogos Independientes de Cuba, Holguín.
288. Yoan Alexis Mis Torres, Partido Pro Derechos Humanos Afiliado a la Fundación Andrei Sajarov, Alianza Democrática Oriental, Holguín.
289. Yoandri Naoski Ricardo Mir, Presidio Político Pedro Luis Boitel, Holguín.
290. Yoandris Beltrán Gamboa, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo.
291. Yoandris Durán Sánchez, Movimiento Cubano de Jóvenes por la Democracia, Holguín.
292. Yordán Velázquez Rodríguez, Movimiento Cristiano de Cuba, Holguín.
293. Yorkis Rodríguez Domínguez, Movimiento Cristiano de Cuba, Holguín.
294. Yorledis Duvalón Guivert Ortiz, Movimiento Cubano de Jóvenes por la Democracia, Santiago de Cuba.
295. Yudalmis Fernández Martínez, Consejo de Relatores de Derechos Humanos de Cuba, Círculos Democráticos Municipalistas, Matanzas.
296. Yudelmis Fonseca Rondón, Movimiento Feminista por los Derechos Civiles Rosa Parks, Holguín.
297. Yudisleidis Saavedra Sánchez, Movimiento Cubano de Jóvenes por la Democracia, Holguín.
298. Yumisleidy Fonseca Rondón, Fundación Cubana de Derechos Humanos, Consejo de Relatores de Derechos Humanos de Cuba, Holguín.
299. Yunieski García López, Presidio Político Pedro Luis Boitel, Coalición Central Opositora, Villa Clara.
300. Yurisander Gómez Hernández, Movimiento Cristiano de Cuba, Holguín.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 454) ''An Act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.''.

ISRAEL REMAINS A KEY U.S. ALLY IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. With Prime Minister Benjamin Netanyahu in Washington this week, it's important that we refocus on the unique relationship the U.S. shares with the Nation of Israel. This year is the 61st anniversary of the State of Israel. But 61 years of existence does not mean that Israel no longer faces profound threats to its very survival. Chief among those is the threat of a nuclear-armed Iran and Iran's continuing aggressive stance towards Israel in the region.

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Making matters even more urgent, Iran announced today that it has successfully test-fired a missile that is capable of striking Israel in addition to U.S. military installations in the Middle East and parts of Southeastern Europe. With his typical rhetorical hammer and anvil, Iranian President Mahmoud Ahmadinejad said that with today's missile launch, Iran is sending a strong message on the nuclear front: ''Today the Republic of Iran is running the show.''

While I doubt that this is the case, it is increasingly clear that Iran relishes its role as Middle East troublemaker and is nowhere near giving up its troubling belligerent stance toward our Israeli allies. Yet despite the threats and instability that proliferate in the Middle East, Israel has proven to be a steadfast ally to the U.S. and a model of a free and open democratic state in this troubled region. Since the time of its creation more than 60 years ago, Israel has served as an example of democracy and equal rights for her neighbors. Israel has also proved to be a steadfast ally to the United States in a variety of ways, particularly within our country's diplomatic efforts in the Middle East.

Since its founding in 1948, the State of Israel has served as a democratic anchor in the Middle East. Like the United States, the Israeli Declaration of Independence protects freedom of speech, freedom of religion, a free press, free elections and many other tenets of a free society. Israel established a democracy in the midst of a politically tumultuous region and by guaranteeing the basic rights of her citizens, sets herself apart from her authoritarian neighbors. Israel prides herself on women's rights and equal pay for women in the workforce. The first female Prime Minister, Golda Meir, was elected in 1969, just 21 years after the formation of modern Israel. Women now serve as the Foreign Minister, Speaker of the Knesset and Chief Justice of the Israeli Supreme Court. Furthermore, Israel has recognized the necessity of providing equal rights regardless of gender or race and deserves to be commended.

Not only is Israel an example for her neighbor as a thriving democracy where citizens' rights are protected through the rule of law, she has also been an avid supporter in the global war on terror. The U.S. and Israel are continually working together to develop sophisticated military technology and improve Israel's defense

systems and soldier protection. In the interest of global freedom, I hope and am confident that this friendship will continue in the future.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

(Mr. MCCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GREEN ENERGY AS A SOLUTION TO OUR MANY CRISES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TONKO. Thank you, Mr. Speaker.

The crises facing our government and our country are broad in range. We are faced with an energy crisis, an economic crisis, an environmental crisis and certainly an unemployment crisis. President Obama, in his boldness of vision throughout the campaign for President and certainly in the infancy stages of his presidency, has made it very clear that he wants to deliver to the American public this new vision of how to resolve many of these crises in one fell swoop. It is important to recognize that we, as an American economy, are heavily dependent upon fossil-based fuels. It is important for us to recognize that some 60 percent of the oil on which we depend is imported from some of the most troubled spots in the world. We move forward here as we try to resolve our crises in a way that's creative and innovative and inspiring. It will require consumer behavioral change, and it will require investments. It will require policy formats that will break from traditional dependency on fossil-based fuels and allow us to move forward in a way that addresses green jobs for a green economy, American-produced power to run our factories, our farms, our homes, the institutions that are important to us.

When we look at the opportunities, there are many. There are projections that some 5 million additional clean energy jobs could be created if just 25 percent of our electricity and our vehicle fuels are produced from renewable resources by the year 2025. That's a staggering statistic. Those are dollars that, when invested, will produce these 5 million jobs that will allow us to grow a cleaner environment, address favorably the carbon footprint and respond to the pressures of global warming. It allows us also to embrace the intellect of this Nation, that intellectual capacity represented through our many academic centers and our private sector R&D centers, which are tools that can really retrofit this economy, that can allow us to grow in ways that are measured in green terms for jobs and green opportunities for energy supplies.

Now we know that the unemployment rate, which was inherited by this administration, which has grown and is going to be resolved, we believe, with several reforms, is something that can be addressed through those sorts of jobs that are not yet on the radar screen. We need to also think of international competition. If I could, I would take this discussion back decades where many of us as youngsters, perhaps in an elementary classroom setting, heard about the race, the race for Sputnik. We were certain that math and science was important in that classroom and that this competitive race, this international race had to be won by the United States because it was going to set in the forefront, it was going to make the premier nation that nation that won that race.

Well, we know what history dictated via investments on the space race and putting a man on the Moon and creating technology that really inspired job growth and really pumped this economy to a high level. That same sort of situation decades later now is existing in terms of a competitive race to be the energy nation, the nation that will export the intellect and the ideas and the innovation in a way that will be a masterful response to the several crises that we try to resolve. We can do that by emerging the winner in this race.

When we look at the fact that China is now the number one producer of solar panels in the world, that should challenge our thinking and our response as a government. When we think of the fact that Germany's number two export, after automobiles, is that of wind turbines, that should challenge and inspire us. And when we think of the fact that only six of the top 30 solar wind and advanced battery manufacturers are American-owned, that should inspire us.

I will now yield to my good friend and colleague, the gentleman from New York, Representative MASSA, who is a strong and outspoken voice on energy reform, on green jobs, on a green economy. He has a message that he'll share this evening.

Mr. MASSA. I thank my colleague from the State of New York, my neighbor just slightly to the east, and rise today to discuss from several new perspectives why it is, frankly, so critically important that we get energy legislation correct as we move boldly into the 21st century.

Just a short election season ago, this Nation was assaulted with a message from one side of the aisle that rang like a motto. It repeated itself over and over and over again on the floor of this House and, frankly, in the living room of every American family, often intrusively during dinner hour, where we heard, Drill here, drill now, pay less. How empty today those words ring. In fact, after the price of crude oil has tumbled from its height of almost $140 a barrel, bottoming to somewhere near the low thirties without the new drilling of a single well, we ask ourselves the question, how empty that slogan was.

And so we rise as we build a new national energy policy, one based on thoughtfulness, one based on science, one based on economic reality and not on sloganeering. So while I ran to become a Member of this House, motivated by such things as health care and an economic recovery, I have now become a very, very aggressive individual on this issue, looking at the absolute need to get this right. The first step I took as I approached my job was to go to the only hydrogen fuel cell propulsion research and development system and center in the United States, located in Upstate New York in Honeoye Falls, where to my astonishment as an engineer lifelong and a graduate of an engineering school, I saw the application of science. They took us not into science fiction but into science reality there in Honeoye Falls, working tirelessly for the last several decades, having taken engineering work that had been done out west 25 years ago and propelled us from the NASA Apollo program into the reality of some 116 reality-based automobiles. I had the opportunity to drive one of them, actually two, from Honeoye Falls all the way here to report for my first day. This was like driving an Apollo spacecraft. My eyes were opened to the fact that we were on the verge of a great industrial revolution, and we are at this moment leading the world. But if we listen to sloganeering, if we listen to the naysayers, if we allow the argument to be shaped by narrow special interests, we will never, ever cross the threshold of economic and industrial greatness that these and other technologies put in front of us. It's not just the fact that we have to get it right because we need to rebuild an economy

based on 21st century jobs, it's not just the fact that we believe as a caucus and myself personally that our impact on this world, through the burning of fossil fuels, is actually changing our climate, but it is also coming from the fact that I am a 24-year military veteran who realizes the vast and dramatic expenses that we are committing in our military just to secure an ever-increasing and yet rarely obtainable source of overseas fossil fuel.

Imagine, if you will, if we were not held hostage to the noose of Middle East oil. Imagine the trillions of dollars of resources that we would not be expending in the protection of, the extraction of and the transportation of oil sources from the very nations who use the money that we pay to feed our enemies and their hostile intent against us. This must be broken, and nowhere is that future clearer than right in Upstate New York. I know that my colleague, with his career in innovative engineering where he took his leadership to the New York State Energy Development Agency that has pioneered so much of the technology we need to move forward, agrees and understands with what we can do together standing as a Nation instead of listening to well-crafted and, frankly, crafty sloganeering.

So I rise with my colleague today to put an exclamation point at the very end of the reality that we must move ahead to get this right. I agree with the President's vision for a future. I agree with our caucuses that we need to move boldly into the future with an economically viable, science-based, thoughtful energy plan that breaks this ridiculous stranglehold that foreign oil has on us. It's not just a matter of drill here, drill now, pay less. We have grown beyond that sloganeering.

Mr. TONKO. Thank you. I reclaim the time, Mr. Speaker.

I, with curiosity, listened to Representative MASSA from New York. As a fellow colleague from New York State, I think of the impacts we can make in just New York alone. And when we then extrapolate that over the map of the United States, what a powerful statement.

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He's right, that with this grip on our economy that was allowed to grow just through the Presidential tenure of President Bush, $1,100 more per year was demanded of our American families for that dependency on oil, gas and electricity. We can go forward and inspire this green innovation of an economy. The green thinking that we can embrace can allow dollar for dollar to be a much more lucrative outcome. Four times as many jobs, would be created.

Mr. MASSA. Would my colleague yield on that point?

Mr. TONKO. Sure. Sure.

Mr. MASSA. I would like to pick up a very critical point my colleague just made about jobs. Around Lake Seneca, that great deep and beautiful Finger Lake in Upstate New York, every year we run something called the Green Grand Prix. I'm sure you would love to be a participant in it. It is a road race, or a road rally, where navigation is important. I must confess that more than once I made a wrong turn. But I made a wrong turn in a vehicle this year, as I did last year, powered not by imported, foreign, distilled gasoline but rather by alternative fuels. We had ethanol-powered vehicles. We had steam-powered vehicles. We had solar-powered vehicles, hydrogen-powered cars. And this year I drove a Ford F–150 modified at a dealership in Elmira, New York, once a bustling hub of heavy manufacturing, to accept a dealer-approved kit that allowed this heavy truck to be powered by propane with some 350 miles per filling at one-third of the cost of gasoline. This was a technology that was unbeknownst to me, one that Ford Motor Company, in engineering innovation, has now authorized several dealerships around the United States to install without even voiding their basic engine warranties.

We have an abundance of propane in rural New York. This is an alternative fuel that helps us break the cycle of dependence on foreign oil, and for pennies on the dollar, for a mere tax break, to those who invest in this technology, it becomes competitive and real. And not only do those automobiles, those trucks, then get sold, but the individuals who modify those trucks have jobs. The dealerships that sell these vehicles to the public have jobs. The individuals who use them have extra money in their back pocket because they are not paying these overseas foreign fuel providers.

It is not just hydrogen or propane. It is the entire menu of alternative fuels and alternative electrical capability that we need to put on the table. And I will tell you what, if we can spend $700 billion, a move, by the way, I opposed, bailing out banks who don't put a penny of that back in the consumer's pocket through alternative credit sources, we can certainly fund the single most important national security requirement we have before this Nation today. And that is to get an energy policy that is science-based and thoughtful.

Mr. TONKO. I couldn't agree more. And all while we speak, we need to recognize that China is investing $12.6 million in its economy for green energy technology every hour. Now, that is a challenge to us. We can stand still and watch the emerging powers of energy out there as a nation, be it China or Japan or India or you name the country, or we can make a plan and implement a plan and move forward accordingly.

The President understands this is so critical to resolving so many of the crises we mentioned earlier. Speaker PELOSI and the leadership of this House, Energy and Commerce Chair WAXMAN, Ways and Means Chair CHARLIE RANGEL, and many, many other leaders who are making their voices heard and helping construct the right outcome here.

The jobs of which my colleague and friend, Representative MASSA, just made mention, offer four times greater job creation than an investment, dollar for dollar, in oil and gas. And we certainly in New York State, as colleagues from that New York delegation, can attest to the projections that are made for the New York economy, over 130,000, nearly 132,000 clean energy jobs at a time when our unemployment statistics are perhaps beyond 8 percent. We can see flowing into the New York State economy as much as $20 billion. And our taxpayers in New York State pay some $2.8 billion, it is calculated, to pay subsidies for big oil companies, and certainly those gasoline corporations out there that are draining our economy. We hear this discussion about, it is a tax, it is a tax that is coming, that is befalling. Well, $400 billion is the savings, that is a tax, call it whatever you want, that we are paying now to Venezuela and Middle East countries for every annual installment that we make in foreign energy imports. That is a huge price tag that could be avoided.

When we look at the potential out there in R&D investment that could be part of this great energy resource, it is limitless in terms of our academic institutions and our private sector partnerships out there. We can make this happen. We need to be innovative. We need to think outside the barrel. And we need to move forward in a progressive fashion.

I yield to my colleague from New York, ERIC MASSA. I yield to you, sir, to continue the discussion.

Mr. MASSA. Thank you, Mr. TONKO. And I have to tell you, you used two turns of a phrase that I thought were particularly appropriate. You talked about energy flowing. We come from a part of the world that pioneered cheap electricity. And we did it through one of the largest and one of the first great hydropower facilities in the world, capturing the hydro energy of Niagara Falls. And western New York, the great industrial cities of Buffalo, Rochester and Syracuse benefited thereby. This was 100 years ago. Now we must look 100 years into the future. And you are right to say we need to think ''outside the barrel'' because unfortunately what we will hear in the coming debate is the demonization of the individuals making the argument and not the thoughtful discussion of the policy. I fear that we will become, once again, held hostage to the economic and energy sloganeering that will make it so difficult for the American people to understand that doing nothing is moving backwards, that doing nothing is surrendering without a new idea to the forces of Big Oil who so clearly ripped off from the American public trillions of dollars just this time last year as gasoline shot up to over $4 a gallon

with no real economic excuse other than gross corporate profiteering.

We cannot continue to be held hostage by the annual cycle of unexplained gasoline price increases and gasoline price fluctuations. And the only way that we are going to reclaim our own energy future is by looking beyond the slogans of the other side in a thoughtful, science-based, economically proven capability to explore all the new sources of alternative energies, not just for automotive propulsion, but also for fundamental electrical generation.

So thank you to my colleague from New York for allowing me the opportunity tonight to raise some key issues that this issue is not only about energy. It is about national security. It is not only about energy. It is about job creation for the future. It is not only about energy. It is about using the resources that we have to ourselves in the great American innovative manner that has always persevered in the face of challenge instead of surrendering to the foreign economies who, like they have been doing so aggressively lately, are taking over economic sector after economic sector. This is a battle that we can win. This is one that we can put ''Made in America'' on for future generations. And we can start right here, right now, tonight, by committing ourselves to thoughtful debate that raises issues and not sloganeering.

I yield back and thank my colleague for the opportunity to join him in this great discussion.

Mr. TONKO. Thank you to the Representative from New York, Representative MASSA.

Let me reclaim my time, Mr. Speaker. We have heard all of this talk about innovation economy. We have heard about the gluttonous dependency we have as a Nation on energy, in this case, fossil-based fuels, 60 percent of that need being met by imports from some of the most troubled spots in the world. We cannot continue along this dangerous path. It is a rocky road that needs to be addressed.

The approach, I believe, comes from an investment in American jobs, a green jobs agenda, growing a green energy transition that allows us to inspire an innovation economy. We do that with investments in R&D. While I served as president and CEO at NYSERDA, New York State Energy Research and Development Authority, I saw first hand up close and personal just how it happened. We invested in R&D. Not every one of those investments might be a success story, but the prototypes that are developed and funded then need to be addressed through additional funding that deploys that investment, that magic in the research lab, into deployment into manufacturing and then into the commercial sector, utilizing these shelf-ready opportunities that are the emerging technologies to respond to the needs of retrofitting energy efficiency mechanisms into our businesses, our factories, our industries, our farms and our homes. That potential exists today. It is underutilized. We need to see energy efficiency as our fuel of choice. We need to address it just like we would any other source of fuel, to use it as we would mine coal or drill for oil, we need to mine and drill energy efficiency as that outcome that will address the demand side of the equation. Both supply and demand need to be addressed by this innovation economy.

I believe that through the leadership of the President and certainly Speaker PELOSI and others that I have made mention of, we can go forward with the soundness of an agenda that will really spark the kind of creative genius that speaks to the pioneer spirit that has always existed in this country. We need just to formulate the concepts that will take us there.

Just recently at GE's R&D center in Schenectady County, New York, GE announced its intentions to now move to an advanced battery technology that will create somewhere between 350 and 400 manufacturing jobs that will be the key that unlocks the doors to golden opportunity, or perhaps green opportunity. The battery situation, whether it is applied to transportation, transportation of light vehicles or heavy vehicles, energy, energy generation, energy storage for intermittent purposes or with transmission improvements that are being addressed by SuperPower in Schenectady County again, these are the formula outcomes that we need to promote and encourage.

We can do it. We have this skill set to do it as a Nation. We need to invest in green collar job opportunities. We need to invest in R&D making certain that research and development is part of that energy comeback. And we need to change our behavior in a way that will produce this new golden opportunity for New Yorkers, in my case, and for Americans across the board. We do have that potential, the immense potential.

I saw also what happened when we applied these retrofits for energy purposes, energy efficiency at dairy farms, first in a demonstration project and then across the board to some 70 farms where, as dairy farms, they are dealing with a perishable product. And where they are dealing with ebbs and flows of energy need, they cannot necessarily because of mother nature demands and dealing with off-peak situations. They can't cleverly quite construct that outcome. But what they can do is utilize the resources of energy efficiency which was done through these demonstrations. And it was a success because a great deal of savings, 35 to 45 percent, was made available for these farms simply by addressing their demand through energy retrofits that were done in partnership with the local utility, with the staff from Cornell University, with the staff from NYSERDA and certainly with groups working as ESCOs, the Energy Services Companies, that were helping in this effort to change things at these given dairy farms. The result was remarkably strong.

That is the sort of real-life experience that we ought to apply to our policy creation and innovation and to our resource dedication that comes through the budgets that we will deal with here in Washington. It is a great opportunity for us to respond in an innovative way, responding to challenges of several crises out there and allowing us to emerge very strong in that outcome.

So it is about green power. It is about green jobs. It is about Americans producing for their needs, and it is allowing our industries to be all the more prosperous and all the more productive simply because we have given them a break in the energy area.

So with all of that being said, I encourage us to look strongly at the opportunities that exist today in this given Chamber that will allow us to go forward in progressive fashion. And we will be able to look back and say that this was the generation that provided that response that ignited this new energy thinking that really turned around the American economy and has helped save the environment in a way that was immeasurably important to coming generations.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the good works of the faith community to protect the integrity of God's creation. As a seminarian, I appreciate the advocacy of people of faith for protecting this earth.

The Catholic Climate Covenant has contacted me about the St. Francis Pledge to Care for Creation and the Poor. Members of the Covenant include Catholic Relief Services, Catholic Charities USA, The Franciscan Action Network, and the Association of Catholic Colleges and Universities. Religious charities are on the front lines battling poverty around the world. Whether it is a church in Fairfax providing housing to the homeless to prevent hypothermia or an overseas mission to build housing, members of faith-based charities have direct knowledge of the realities of poverty around the world.

The faith community is telling us that climate change poses a dire threat to the world's poor, whether they are residents of New Orleans, Bangladesh, or coastal communities in the Mid Atlantic. Based on the best available scientific data, faith-based charities' concerns are well founded. Experts predict that rising sea levels and increased incidence of severe storms will create 100 million climate refugees in the next hundred years. As former Virginia Senator John Warner noted in his testimony to the Energy and Commerce Committee, this volume of refugees will strain our capacity to respond to national security threats.

We can see these threats right here in the National Capital Region. Neighborhoods in Fairfax County like Huntington and Belleview have experienced unprecedented flooding within the last five years. With their proximity to tidal reaches of the Potomac River, they are threatened by rising sea levels. These older neighborhoods are important because they

have maintained a stock of affordable housing that is increasingly scarce in this region. Whether it is in Bangladesh or Belleview, climate change poses a threat to the welfare of working families around the world.

I haven't heard any expression of concern from the minority party about the millions of families that are endangered by climate change. Maybe they assume that these folks are politically powerless, that their loss of homes, land, and livelihoods can be ignored with impunity. But even if one is comfortable with condemning millions of people to refugee status, I would dispute the assumption that such an approach has no financial impact on the rest of us. Here in Northern Virginia, the Army Corps of Engineers is planning multi-million dollar flood prevention systems for low-lying neighborhoods. The cost of these systems will only rise with the level of the sea. Senator Warner noted that we cannot ignore refugees overseas lest we create conditions in which political organizations such as the Taliban will thrive.

The Catholic Climate Covenant and other faith groups remind us that we have a moral responsibility to protect the world's poor. That moral imperative coincides with self interest: If we do not arrest the rising concentration of greenhouse gasses in the atmosphere then we will saddle the next generation with ever-rising costs of dealing with climate change and its human costs. Whether those costs come from floodwalls or humanitarian support for refugees, we will not be able to avoid paying the bill. We must act now to reduce greenhouse gas pollution—for the sake of millions whose lives are tied up in the stability of our climate and because inaction will create an insurmountable cost burden for the rest of us.

Mr. Speaker, every challenge presents an opportunity. Sometimes the opportunities are difficult to identify. As we attempt to reduce global warming pollution, we are fortunate to have many models from which we can learn. I would like to focus on the acid rain reduction program that we initiated under the Clean Air Act nearly 20 years ago.

During the 1960s and 1970s, sulphur dioxide pollution was poisoning rivers and streams across America while inflicting damage on infrastructure and some of our most famous public art. This pollution came from some of the same sources that are emitting global warming pollution, including coal-fired power plants. In 1980, polluters released over 17 million tons of sulphur dioxide in the atmosphere. Since implementation of a cap and trade program to reduce acid rain pollution, we have eliminated 8.9 million tons of sulphur dioxide pollution annually, a 50% cut.

When Congress was considering capping acid rain pollution in 1990, polluters claimed that such a cap would drive up electricity prices and cripple the economy. In fact, the acid rain cap and trade program has saved $40 in costs for every dollar spent on pollution controls. This 40–1 cost to benefit ratio saves Americans $119 billion every year. Each dollar that we don't have to spend on premature health problems or damaged infrastructure is another dollar saved or invested. Nor did the acid rain program hurt American energy production. Coal companies installed scrubbers that remove sulphur dioxide as well as other pollution like mercury. Installation of these scrubbers created high paying jobs right here in America, creating new sources of employment for electricians and other skilled tradesmen.

The non-partisan Congressional Research Service has conducted several reports on the efficacy of the acid rain cap and trade program. A recent CRS memo notes that the acid rain reduction program has nearly one hundred percent compliance in pollution reduction and has not experienced any problems with market manipulation.

Today, the minority party claims that we cannot afford to reduce greenhouse gas pollution because it will increase costs and hurt the economy. We've heard all these arguments before, during the acid rain debate in 1990, and they have all been proven false. We have saved money by cutting acid rain pollution, created clean energy jobs, improved public health, and achieved our goals of reducing pollution. Far from being a burden, reduction of acid rain pollution improved our quality of life.

Today we face a different threat: global warming pollution. Unlike in 1990, however, we have a very successful model that we can follow. The American Clean Energy and Security Act emulates many of the successful components of the acid rain reduction program, and offers Congress a proven model of cost-effective pollution reduction.

IRAN'S MISSILE TEST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Thank you, Mr. Speaker. It is a pleasure to be able to join you this evening and my colleagues on a couple of very interesting topics. I think the first thing that we will talk about is something that has been on the minds of people since this morning. That was when we got an announcement from Iran that they had just fired a missile some 1,200 miles. That is what they claimed.

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We don't know the details. We're waiting for a brief on the Armed Services Committee on exactly what it was that Iran did, the nature of the missile that they fired. But this is something that has captured the attention and the concern of Americans because you have coming together here a combination of three things that we find to be of high level of concern.

The first is the ability to make these long-range missiles; particularly, we're talking about solid fuel missiles that have multiple stages. That allows a missile to go some considerable distance and therefore target larger areas of the Earth's surface.

The second thing is nuclear energy. That is a weaponized nuclear energy in the form of a warhead. So now you have a missile that can go some distance; it has a nuclear warhead on it. That becomes extremely dangerous.

And now when you add the third element, that is radical Islam, to that, people who think it is their destiny and their duty to destroy other people who don't think the way you do, you put those three together and you have something that has indeed captured the news for the day. So I thought that would be important today to look a little bit at what do you do when you have an adversary that has a missile, a nuclear warhead, and a will to use it against you.

That was the question that was faced historically some years ago by Ronald Reagan. Up to that time, there had been a whole series of treaties and different things had come along, and we had gotten to the point where we said, Well, they have got missiles; they can blow us up. We've got missiles; we could blow them up. And that would be so crazy, we will have a Mexican standoff. We will call it mutually assured destruction. But that really was a very, very foolish idea.

I'm joined tonight by one of the foremost authorities in the U.S. Congress on the subject of missile defense and strategic missile defense, my good friend, Congressman FRANKS. And it's a treat to have you here on the floor, and talk about a timely subject, Iran just having launched a missile.

And surprisingly, this has been a matter of a great deal of partisan division and a lot of debate on this subject, and if you could help us with a little bit about the logic and the history. I would like to do the background on missile defense so we can understand what is going on today in context.

I would yield.

Mr. FRANKS of Arizona. I thank the gentleman for yielding, and I appreciate what you're doing here tonight, Congressman AKIN.

Ever since mankind took up arms against his fellow human beings, there has always been an offensive capability that essentially, in time, has been met with the defensive capability. And first it was the sword or the spear and the shield, maybe, and then—

Mr. AKIN. Or a rock and somebody had a shield to stop the rock or something. So one offense, one defense.

I didn't mean to interrupt. Go ahead.

Mr. FRANKS of Arizona. When we came to having firearms and bullets, we came to find armor and came up with a tank, and it has been an ongoing back-and-forth for a long time. But now that we face the most dangerous weapons in the history of humanity—that being a nuclear warhead borne by an intercontinental ballistic missile which can reach thousands of miles with accuracy—all of a sudden there became a debate whether we needed a defense for something like that. Now, for a time, there wasn't really the technological ability to defend against something like that.

And as you said, when the Soviets had thousands of warheads and hundreds of missiles that were capable of destroying every city that we had that was of any size, we had to come up with this equation to where they knew that if they attacked our cities and they

killed our women and children, that our missiles would leave almost shortly after theirs left the launching pad and they would suffer the same fate. And it was such an unthinkable scenario that there was this grim achievement that said we will have mutually assured destruction and, therefore, each will be afraid to launch against the other.

In a sense, as frightening as it was, it gave us a real tense time when we could have a chance to feel relatively safe because we placed our safety in their sanity, as they did with us.

Mr. AKIN. And just to reclaim my time.

I recall—and even that was a very troublesome kind of truce, because one thing we found was they cheated on every treaty that they signed, and we didn't cheat. And we had made an agreement that we were not going to develop a defense against nuclear missiles, and then that whole idea was challenged.

Now, why don't you run through——

Mr. FRANKS of Arizona. That was the ABM Treaty that you speak of. And fortunately Bush, this last George Bush, was wise enough in this day and age recognizing that the coincidence of jihadist terrorism and nuclear proliferation gave us a different equation than we had with the Soviets because all of a sudden deterrence wasn't enough. We were dealing with an enemy that was willing to see their own children die in order to attack our children.

And so he knew that we needed to discard this outdated ABM or antiballistic missile treaty, and he did that, and unfortunately, tremendous strides seemed to be made very quickly in the area of missile defense.

Mr. AKIN. Reclaiming my time.

I think the one thing that I really recall—and I think it's something we historically skip, and that is really the guy—we have an awful big ''thank you'' to say to Ronald Reagan. He had the imagination to take a look at this mutually assured destruction and say, This is nuts. I mean, as you said, all through history of mankind, somebody picks up a rock and somebody picks up a garbage can lid, you know? I mean, there's always offense and defense. He said, If we're saying we're not going to defend ourselves, we're crazy.

So we start talking to scientists and came up with this idea that we could use different kinds of technology to stop those missiles so they wouldn't come and hit our children and families. And then he went a much more gracious step and said, What's more, we're going to share our defensive technology with our opponents so that mankind does not have to live under the threatening shadow of the nuclear mushroom cloud. And he sold that idea to the American public. And, of course, the liberals all made fun of him. They said, You can't do it. It won't work and it's too expensive, and all of those kinds of things. But he hung on and kept talking about it, but he actually didn't build it, did he?

Mr. FRANKS of Arizona. The truth is that Ronald Reagan was, indeed, the father of modern missile defense. And there is a great irony there because, while we owe him everything, in a sense, to where we are, he said, Isn't it better to protect our citizens rather than to avenge them? And I thought that was the quote that, in my mind, started it all out.

But the tragedy is that somehow now the modern-day liberals who disdain Ronald Reagan as much as they do, sometimes they are biased against missile defense simply because it was Ronald Reagan's idea. And we don't discuss it in the realm that it should be discussed, which is what is best for the country rather than we don't want to give Ronald Reagan too much credit. This is the ironic tragedy of it.

Mr. AKIN. You know, the funny thing was—I was elected in 2000, came here in 2001 and started right off in the Armed Services Committee. And we had these debates in the Armed Services Committee in those long hearings, and every year for about 4 years or 5 years when it came to funding missile defense, it was a party line vote. The Democrats never wanted to do anything with funding missile defense. And yet, because we had a majority, we voted for it.

And President Bush became very unpopular in Europe and with Russia. He went over and he gave them their 6 months' notice. I think the treaty required, give us 6 months' notice. So he went over and said, Okay, guys. The clock's running. We're going to start developing missile defense in 6 months. And the Russians just had kittens, Putin went nuts, and the Europeans were all upset about this. They thought he was some kind of cowboy from Texas. And yet at the end of that 6 months, we started funding it in the Armed Services Committee, totally party line vote, and we started on the path of actually building the dream that Ronald Reagan had passed down to us.

Mr. FRANKS of Arizona. Two things have happened since then.

First of all, Democrats in Congress have begun to see that missile defense does indeed have a very, very important role to play in this age of nuclear proliferation. That's a good thing. It's a good thing. The downside, of course, is that the Democrat President in the White House right now is incredibly, in my judgment, naive as to the danger that we face and to his approach with our allies.

He has now, under his budget, submitted numbers that would cut the European missile defense site by 89 percent, nearly 90 percent, which is effectively killing the program. And this was the system that we were putting in place under the Bush administration to protect the homeland of the United States, to protect Europe and our forward-deployed troops against an Iranian missile.

Mr. AKIN. Wait, wait, wait. Reclaiming my time.

What you just said is pretty important. When Bush left office, the setup was there was—we were going to build a couple of sites. One was a radar site and one was an actual place to launch these ground-based missiles. The radar site, was that in Romania?

Mr. FRANKS of Arizona. No. The radar site is in the Czech Republic. That was the X–10 radar there, and they went through tremendous political machinations to accomplish that overcoming a 2–1 dissent among their public. And yet they had the leadership to say, This is important to us, this is important to the world, and we're going to move forward. And they put tremendous capital in that, and now they're being betrayed by the country that asked them to do it.

Mr. AKIN. So the Czech leadership responded to our initiative, said, We'll put the radar site in the Czech Republic. The leadership of Czechoslovakia had a public that was not that enthused about that idea, but they sold it to them. We are going to move ahead. And so you had the Czech Republic was going to have the radar and the actual missiles were going to be loaded—was it in Poland?

Mr. FRANKS of Arizona. Yes. The intercepter field itself, with 10 intercepters, it would have been in Poland.

Mr. AKIN. This has been, with the new administration, President Obama has traded that away to the Russians, is that correct, or do we know what the deal was? Because he's cut all of the money out of it.

Mr. FRANKS of Arizona. The tragedy—and this goes back to the statement that I said about the naive way of approaching this—because the Russians said that somehow they could exert influence over Iran or over other countries, that we would give up defending our homeland, our physical mechanism to defend our homeland in order to gain the influence of the Russians over Iran. Well, this is unbelievable.

Mr. AKIN. Reclaiming my time.

Now, wait a minute. This isn't supposed to be funny hour. We're here talking about missile defense because Iran just launched a missile. Is that the sort of influence that Russia has over Iran, that it's going to help them launch solid rocket loader multistage missiles that can go 1,200 miles? Is that what we traded away in order to give up missile defense for Europe? Wait a minute. I don't see—the logic of this is incredible.

Mr. FRANKS of Arizona. Unfortunately, the Russians have sold us their influence over Iran about a dozen times now and never have really given us anything of substance to be helpful. And I think this is incredibly dangerous.

Iran has continued to go forward and defy the world community. This solid fuel rocket that they have used today is something that you said was very,

very important. And the ability to stage is incredibly significant because it ultimately means that if they have the guidance systems—and they've already proven that they do by launching the satellite—that they will have almost an indefinite range across the world, because once they learn to stage, they can do almost anything in terms of reach.

Mr. AKIN. Reclaiming my time.

These are some of the missiles. This picture was taken before the launch this morning. And then we have a picture, I believe—I believe this picture was one released of the actual launch this morning. So you can see this appears to be a multistage kind of a missile, but we don't know the details on it yet because we haven't had the brief on it.

Mr. FRANKS of Arizona. This is a Sager, a solid fuel rocket that is something that we've known about for some time, and we knew the Iranians had it and at some point they would test it. But the danger of—

Mr. AKIN. Just reclaiming my time. Is this a multistage, do you believe?

Mr. FRANKS of Arizona. Yes. I'm convinced that it is.

The danger, of course, is that Iran is not only a dangerous enemy, to have these types of weapons, but they can sell and proliferate this type of weaponry. And when they prove that it works, it makes the price go up and it makes other countries who are trying to gain this technology much more interested in the technology. And I believe that it's important that we do whatever is necessary to prevent them from having successful tests in the future, including—and this is a big statement—including shooting those missiles down with our own missile defense capability, our Aegis capability when they come over international waters.

Mr. AKIN. We have a few more minutes to talk about that. I think people might be interested in how did this—how does this technology that we have work, because for years, people are saying, You can't do it; it is impossible.

I'm an engineer by training, and what we have developed in America—basically on the dream of Ronald Reagan—is an incredibly elegant solution. And from a physics point of view, this is the kind of thing that should inspire kids in school to be studying up on physics. And I didn't know if other Members want to join us.

We have Congressman BISHOP here. We'll talk a little bit about the way the thing works, and then we'll jump in.

And what we have when you talk about missile defense is you've got—basically you've got the boost stage where the enemy's rocket here, if this is aimed at our country or one of our allies, this is taking off. It's called a boost stage. Then as the missile starts to go more horizontally, it goes into what's called midcourse. And eventually, when it comes down on the target, and that's where it's reentering—if it's a very long-range missile, reentering the atmosphere.

So we kind of break missile defense into these three areas, and we have different technologies to try to shoot the thing down before it hits us. And our thinking is, well, the more shots you can get, the better, because if you miss with the boost phase, you may get it in midcourse. And if you miss in midcourse, you may still stop it in reentry. So we have different kinds of technologies.

But the main one that's been developed that's just incredible, from a physics point of view, is a metal-on-metal kill. We don't use any explosive in it. We just send the missile up, and the guidance is so accurate, and the head-on collision that we energize generates so much energy that it just literally vaporizes the missiles. And I would encourage my friend from Arizona to just sort of flesh out how it's done.

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Mr. FRANKS of Arizona. If you will permit me, I can get through this just briefly.

You know, the age-old argument against Ronald Reagan's perspective is that this like hitting a bullet with a bullet. Well, as General Obering, the former Defense agency head said this, he said, We don't just hit a bullet with a bullet. We hit a dot on the side of a bullet with a bullet consistently.

And interestingly enough, in recent days, you know, now they say well, there's so much fratricide, if there's some type of collision, that if there are multiple reentry vehicles or multiple vehicles, we wouldn't be able to hit all of them. But just recently we, in a test down in Hawaii, we shot a Scud missile off of a destroyer and it went 218 kilometers into the air and then, off of a THAD battery in one of the islands there, we shot two interceptor missiles 16 seconds apart to try to intercept this. The theory is if the first one hits, the second one will fly on by, and it's no big deal. If the first one misses, the second one will hit.

But here is the amazing thing that occurred. At 218 kilometers into the air, literally exo-atmospheric, into space, the first THAD interceptor hit the target dead center and blew it to smithereens. Fratricide was everywhere. And the second missile, they had it almost coordinated at that time to only 2 seconds apart, it picked the biggest piece, which was a little over a meter long, and hit it.

Now, let me suggest to you, if that doesn't light your fire, your wood is wet, because this was an incredible accomplishment by our missile defense agency, and it showed that our sensors have the capability of finding that most important target, even in an environment of that kind of fratricide, and it was an incredible accomplishment and you didn't hear it on the news.

Mr. AKIN. Reclaiming my time, it's interesting that you just explained something that really put a little spring in the step of a lot of Americans and should give an awful lot of our kids that are reading Popular Science and Popular Mechanics, that should fire them up, jazz them up a little bit, and there's not a word about this. All we hear is, oh, it won't work, it won't work, and the amazing thing is I've seen some of those pictures where here comes the enemy missile. These things are taken in fractions of a second, and you see basically the thing is creating through a sighting mechanism a target on the side of the enemy missile, and it is literally picking a spot, as you said. It's not hitting a bullet with a bullet. It's hitting that spot right on the missile where they want to hit it.

And to be able to do that—I've always been awfully skeptical as an engineer about when people say you can't do it. You know, when you tell Americans you can't do something, it's like, oh, yeah? Well, the fact of the matter is, we did, and as you said, not only did we hit the first missiles dead-on, we just picked off the biggest piece of scrap metal that was left after.

We've got our friend, Congressman BISHOP from Utah. If you would like to join us, we would love to have you in our discussion this evening.

Mr. BISHOP of Utah. I'd appreciate that because we have been talking about so many upbeat messages right here on what we can do, that I want to be the downer of the group and present the fear that we have simply because the administration budget for missile defense has been submitted.

And I'm grateful my friend from Arizona is still here, because in our land-based—maybe you can add and flush this out—our land-based interceptors, we have 30, and as short as nine months ago, every expert was telling us we need to have at least 44, and a backup site from the Alaska site down in California to be expanded at the same time. And yet mysteriously in this particular budget, somehow we have now changed the expert opinion that we only need 30 of these instead of 44. Even though in Alaska, where the site is, they are ready to start in the short construction period to building the extra silos that they may need. In fact, one person said it might be cheaper just to build them and use them as storage bays until we're ready for something else.

But maybe the gentleman from Arizona can talk about how significant this issue in the budget is and what this does to our potential defense, not just from Iran but from especially North Korea at the same time.

Mr. FRANKS of Arizona. Well, the gentleman speaks of a system called GMD, or ground-based mid-course defense, and it is our only system capable of defending the homeland against an incoming intercontinental ballistic missile from either North Korea or, in some cases in the United States, from Iran.

And the significance, as he said, just a year ago, there was a conviction that

we needed at least 44 interceptors, and as you go through the war colleges here in the area, nearly always when they go through their scenarios, they say we need even more than the 44. But now all of the sudden—and we only have 26 actually now. We're capped at a number of 30. Now all of a sudden we're going to cap it at 30, and I think that's very dangerous. Because keep in mind, this is not just one interceptor per incoming missile. We want to do everything that we can to have some redundancy where we sometimes shoot three and perhaps even four to one where if we have one missile coming in, we want to make sure we get as many shots off as possible to make sure one doesn't land. Because if a nuclear missile lands in one of your cities, it will ruin your whole day.

Mr. AKIN. No doubt about that. I yield.

Mr. BISHOP of Utah. If I can go back, though, I want to make this a little bit worse than it is, because not only is this program capped at 30 when we need at least 44, the KEI, kinetic energy interceptor, a program where the contracts were let only in 2003, they have gone through seven static tests. In fact, they are on the launch site and ready to do the first flight tests, and the Secretary of Defense has decided to cancel that program, even though the admiral in charge of the Chiefs of Staff says we need more research and development.

This is a remarkable idea to try and catch these missiles coming at us at a different stage in the game, where with the technology that is being developed, it's working, it has been successful in the static tests. We should at least go forward and see how far this program can go. But this program has also been chopped, and at the same time, the old traditional defense of the Minuteman 3 has been stopped and capped. We will no longer refurbish or rebuild these particular rockets.

And indeed, what is scary to me is the Russians have already said they are going to rebuild and redo their ICBM projects so that by 2018, 80 percent of their ICBMs are going to be brand new with new capability, and we do not have the capability in our defense budget to actually meet any of that future need which may be there.

Mr. AKIN. I yield to the gentleman from Arizona.

Mr. FRANKS of Arizona. The gentleman is correct on a number of different points. Once we don't build those, not only are they not there for the defense capabilities, but we also eventually lose our industrial base to build them at all. We can't just go out in the street and find someone on the sidewalk and say come on, we would like to build a missile defense capability; we'd like to have you come in and be one of our rocket scientists. It takes a great deal of time and energy to have that industrial base which is in place now, and I think we make a terrible mistake.

Mr. AKIN. Reclaiming my time, let's take a look at what this budget is doing because the gentleman from Utah has brought up some good points.

What's happened is the Democrats are basically cutting component parts of missile defense. They know it works. They have seen the tests. They know the stuff works. They can't say it doesn't work, but they are not going to fund it. They're funding some of it, but they're not funding some of the key programs that are important.

The first thing they're cutting is the number of what's called ground-based missiles. Those are the ones, if you think about a missile and how far it can go, the missiles that go the farthest, we call them intercontinental ballistic missiles, and those missiles, the only way you stop them is with that ground-based defense. And so we're going to freeze the number of those ground-based defenses, but that's not all that we're cutting.

What we're also going to do is, we're going to stop the kinetic kill. Is that in the reentry aspect? Is that what that was for, or is that a different part?

Mr. FRANKS of Arizona. No, sir. The KEI is an extremely fast missile, and it was made to intercept other missiles in the boost phase, and the airborne laser and KEI were our only boost phase systems, and both of those have been cut precipitously, and that's the most important place to try to interdict a missile because it's moving slower. There are no countermeasures. There are no decoys deployed, and of course, if you have an impact, then the fratricide falls back upon the offending Nation. So this is the most important phase that we could ever attack or intercept an enemy missile, and we're essentially doing away with both of those programs, leaving only the ABL in place as an experiment, as a research project.

Mr. AKIN. So what's happening, though, are they cutting the funding for the airborne laser, also?

Mr. FRANKS of Arizona. The airborne laser has been cut precipitously and is now essentially a research project, rather than a deployable future system.

Mr. AKIN. So, in other words, what we're doing is we've got the three stages where you can shoot at a missile: when the missile is being launched, which is in some ways the place where the missile is most vulnerable and where you turn it into junk, it falls on the country that launched it at you. Then you've got the mid-course and we're limiting that. And then you've got the reentry part of it. So what you're saying is we're doing some serious cuts in all of those areas.

And so here you have Iran just this morning launches this, and their technology is moving fast, moved to solid rocket, multiple stage. They're busy putting the centrifuges together to make the nuclear devices. Let's take a look at what a range of 1,200 miles would mean.

Here from Iran, as you come out in these circles, what you are saying is, first of all, you can hit all of Israel, and second of all, you can threaten sort of the southwest part of Europe with that range missile. Is that correct, gentleman from Arizona?

Mr. FRANKS of Arizona. That is correct, and of course, the other irony here is that there's really only one payload that makes any sense to put on a missile like that, and that's a nuclear warhead. The other applications don't make a lot of sense.

Mr. AKIN. And yet our President has negotiated away, from what we know, putting the radar that we need and the battery of missiles to protect Europe and eastern United States.

Mr. FRANKS of Arizona. Well, that's correct, and of course, to try to make the rhetoric they say, well, there are other mechanisms that we have potentially to defend Europe, which may be a land-based SM–3 system with the augment of Aegis, but there are two things wrong with that. Number one, it's more than twice as expensive to do that, and number two, those systems do not protect the homeland of the United States against any ICBM from Iran.

Mr. AKIN. I'm going to reluctantly recognize the gentleman from Utah. He's been bringing a lot of bad news tonight, but still I guess we better know what the truth is.

Mr. BISHOP of Utah. I appreciate that, and I'm sorry to be the downer in this party night. This is one of the ironies. Not only did the Iranians launch something today, but when the administration announced their budget cuts for the missile defense program, on the very day, 7,000 miles away, North Korea's Kim Jong Il was shooting another missile. Now, admittedly this one landed in the Sea of Japan, but it threatens Japan and it was on a trajectory toward the United States. They are not backing down, and they're not backing off, and I want to put in perspective what we're talking about because all of the discussion we've heard so far is these are very expensive programs, we may not be able to afford them.

The entire savings for these programs in 2010 is $1.7 billion, roughly. Now, that sounds like a whole lot of money, until you remember on our stimulus bill we spent $800 billion, supposedly to create jobs we're now cutting here. And what's even worse in that bill is $5 billion for government organizations like ACORN. Now, I'm sorry, that's not my priority list.

Mr. AKIN. Reclaiming my time, now you're stopping the preaching and getting on to meddling.

What you're saying is in the first five weeks that this Congress met, we passed this porkulous bill or stimulus bill or whatever you want to call it at $800-something billion, and you're talking about cutting missile defense by less than $2 billion. Did I understand the number correctly?

Mr. BISHOP of Utah. That's what I said.

Mr. FRANKS of Arizona. The total missile defense budget, in total, is less

than $9 billion, and the administration wants to cut it almost $2 billion more.

Mr. AKIN. So we're talking about less than 1 percent, a minuscule part of our defense, to protect our cities from being turned into dust. I don't understand the logic of that.

Also, this is a North Korean ballistic missile threat. So it's not just Iran, and Iran threatening Europe. We're also talking about North Korea developing longer and longer-range missiles, and as they stack more—as you have said before, you take these solid rocket motors and you stack them up into multiple stages. You get the velocity to get the distance to start threatening the continental United States from North Korea. And he hasn't shown any signs of backing off. He's still busy making nuclear weapons and still busy working on his warheads. And even if he doesn't use them, he wants to sell them to other people. So why would we want to be cutting our missile defense at this time? It just seems like about insanity.

I yield to the gentleman.

Mr. FRANKS of Arizona. The thing that's important to remember is that Iran gained most of its missile technology from North Korea, and Iran has actually outpaced North Korea now in their missile capability, but North Korea has nuclear warheads now, and if North Korea sold Iran missile technology, is it unthinkable to think they might sell them nuclear warheads at some point? It may not be even necessary for Iran to build their own warheads.

And here's the really astonishing tragedy about this. Rhetorically, some of the liberals say that the reason that we should cut our GMD system is because we need more testing. Well, under this system, where they're cutting down on the number of interceptors we have, we won't be able to test this system again until after 2014.

Mr. AKIN. So we're talking out of both sides of our mouth here again. What you are saying is, on the one hand, they're saying we need more testing, and second of all, they're cutting the budget so we can't test.

Mr. FRANKS of Arizona. That's exactly right.

Mr. AKIN. It just comes back out to the same thing. There's this hostility to developing the defense that we need to protect our homeland, and the excuses that it won't work have been proven—test after test, these things are working extremely well, and the fact is that if there's any function of this Congress that we should be paying attention to, it's protecting our own citizens. And so I just find it impossible to understand the decisions that are being made in cutting the missile defense.

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I don't think that's the right thing to do. I can certainly say that on the Armed Services Committee, I will not vote to cut missile defense.

And I would yield back to my friend from Utah, Congressman BISHOP.

Mr. BISHOP of Utah. I appreciate that commitment, and you have my commitment at the same time. This is a work that needs to go forward. We have money to do this.

One of the things we also—when Secretary Gates talked to us, he talked about a zero sum game, meaning that if we wanted to improve this missile defense budget we would have to take money from some other part of our military needs to put over here. And I'm sorry, I reject that.

One of the things we need to do is make sure that the military is properly funded. It's really the only constitutional role we really have to do, and make sure that it's not coming from some other—we're not going to cannibalize another area of the military just to make sure that this done. That is simply flat out wrong, and I'm not going to do it.

I'd like to add one other negative since I'm on the role of whining here about things going on. This administration did something that was totally unique in its budget process called a ''gag order'' which simply meant that when the Kinetic Energy Interceptor Program was canceled, it was canceled during the time of the gag order. There is not a single person on Capitol Hill, in any branch of Congress, that knew what was taking place because no one in the Pentagon was allowed to talk about what the decision was. A stop work order had been administered by this administration before anyone knew what was taking place.

And, in fact, when the Secretary of Defense announced his overall view, not one word on this missile program was mentioned in that, even though, 2 days earlier, the decision had been made to cut it.

Mr. AKIN. Reclaiming my time, wait a minute now. I recall that the President stood on this floor, and one of the things that he made a big point about was transparency. I have a hard time understanding the transparency of the administration cutting a major part of missile defense that's very important, and we're on the Armed Services Committee and we didn't even have a clue that that was going on. Is that transparency?

I yield to my friend from Utah.

Mr. BISHOP of Utah. No, in my definition it's not transparency. Now, I know that some people have said the Pentagon leaks like a sieve. To be honest, that's what President Nixon said about the White House when he came in there, and I hope there's no plumbers left around to try and fix the Pentagon situation.

But it's one of those things that, in a republic, in a republic, we are not devowed by those types of secrets that should take place there. And the representatives of people who make these decisions should be made aware, you can do it in some kind of a system or order in which sensitive information is let out.

But this is not sensitive information. This is what the future direction of this country should be. And I'm sorry, before you put the stop work order, you at least should be able to tell Congress what you're about to do.

I hope we never, never engage in this kind of gag order in any branch of this administration again because, as the gentleman from Missouri accurately said, it is not transparency. It was not what was promised. And it is simply a wrong problem which allows a whole lot of issues to be pushed to the side, which could have been easily fixed, adjudicated, simplified had we simply had some kind of communication as the process was being developed.

Congress is now behind the 8 ball on this. If we want to fix this problem, and I desperately think we should, our options are severely limited because of the way the administration handled this year's budget preparation.

I yield back.

Mr. AKIN. Well, that's quite an indictment. And you sure had a snoutful of bad news for us. I didn't even know about that last one. And it's enough to really make you irritated, isn't it?

You know, we hear about transparency, and yet there isn't transparency, and this isn't the way we should be running a country. It seems to me that somebody's trying to hide something. That's what it seems like, somebody is trying to cover something up.

Now we're about done with our first half hour so we're going to be finishing up on ballistic missile and strategic missile defense. I am going to let the last word go to my good friend from Arizona, Congressman FRANKS.

Mr. FRANKS of Arizona. Ostensibly, the whole purpose of cutting missile defense is so that we can use the money somewhere else. But sometimes we forget that when we suffer some type of weakness in our military system it invites or it provokes some type of attack from an enemy which nearly always costs us much more than any savings that we had. When airplanes hit our buildings and our Pentagon, they cost us in our total economy, around $2 trillion. And so this is not only bad defense. It's bad economics.

And if some day, if we build a system and we don't need it, I will stand before the American public and say, you know, we used this system every day because it deterred an attack. But I'll still apologize to you for spending all the money.

But God save us all from the day when we have to stand before the American people and apologize to them because some type of an attack left hundreds of thousands of our people dead in a city or worse and we had the ability to defend them and we didn't out of political correctness.

And with that I yield back to the gentleman and thank him very much.

Mr. AKIN. I appreciate your passion on that subject. Gentlemen, there's one point that I always like to make on

missile defense that it seems like many times people overlook it. And what I hear, just talking to people back in my district they say, well, couldn't these bad guys basically smuggle a missile into our city and just set it off? And they don't really need a missile to do that. And the answer is, they can try, but that's not as easy to do as it appears because the bombs and things do emit some radiation and there's some chance we could catch them.

But the other main point is that a bomb set off up in the air is far, far more deadly, hundreds of times more deadly in terms of casualties than one set off on the ground. I think that's part of the reason why you see our opponents developing these ballistic and intercontinental ballistic missiles because of this high level of threat and a very rapid ability to deploy a weapon. And so that's part of the reason why this is a very key topic.

And I thank you so much. The gentleman from Arizona has taken a lot of time to understand this, knows it inside and out. He's just about like an expert. And Arizona has been doing the right thing sending you up here.

And I think we're going to move on to another topic which is particularly of importance to Americans today, and that's the subject of taxation and energy. Not so long ago, our President said, under my plan of a cap-and-trade system, or that is cap-and-tax system, electric rates would necessarily skyrocket. That will cost money. They will pass that money on to consumers. This is the President in a meeting in guilty January of 2008.

Well, he is now the President. And they're talking about this cap-and-tax system that's been the subject of debate now for hours and hours in the Energy and Commerce Committee. And from what we're seeing and taking a look at what's being proposed, the President was accurate in this statement. It is going to be extremely expensive, and electric rates are going to skyrocket indeed.

The interesting thing about this though was he stood here at the beginning of this year and said, I'm not going to tax anybody that's making less than $250,000. And yet what's being proposed here is every time you turn a light switch on, you're going to get some more taxation.

How much taxation are we talking about? And what's the logic of this?

Well, the logic is supposed to be that the Earth is getting too hot, and that's really a serious problem for us. The Earth is getting too hot. And so I thought it was interesting to take a look back historically over the last hundred years, not at the temperature of the Earth, but at what the scientists have been saying down through the years.

In 1920, the newspapers were filled with scientific warnings of a fast approaching glacial age, 1920s.

1930s, scientists reversed themselves and they said there's going to be serious global warming in the 1930s.

In 1972, Time magazine, citing numerous scientific reports that imminent runaway glaciation is what the Time magazine called it. And by 1975, Newsweek, scientific evidence of an ice age. And so people were being called to stockpile food, and the question of whether we should use nuclear weapons or some method of melting the Arctic ice cap.

1976, U.S. government: ''The Earth is heading into some sort of mini-ice age.''

And now we've got global warming. And so over the period of the last hundred years, well-meaning scientists and, supposedly majorities of scientists, even, have changed their opinion about this global warming about three times or so.

Well, the complaint now is that we've got this CO_2 that's being generated which makes the Earth warmer and, therefore, we want to tax the CO_2. When the government wants to tax something, usually you'd better hang on to your wallet. We're talking about a lot of tax.

And tonight we have probably one of the most foremost experts in the House on the whole subject of this what's called cap-and-tax. A man who's been in the middle of these hearings for hours and hours is joining us. It's a treat to have Congressman SHIMKUS from Illinois. I yield time, gentleman.

Mr. SHIMKUS. Thank you. I appreciate the time. As stated, we're in the, in essence, the markup of the bill right now. And so I thought I'd just take a few minutes to talk about what happened yesterday and what's happening today.

The basic premise that we're trying to just remind the public that because to address this global warming you have to monetize carbon, that is, in essence, adding a dollar amount to carbon, which that dollar amount would be passed on. Ratepayers will pay more. President Obama admits it. Really, the draft bill admits it because there's 55 pages of what to do with job losses in the bill.

Here's a couple of amendments that we debated last week—I mean yesterday. An amendment offered by LEE TERRY, Republican, of Nebraska, would require annual EPA certification of the average retail price of gasoline. If the price exceeds $5 per gallon as a result of this act, this act would cease to be effective.

We're admitting that there will be an increase in cost. Voted down on a party-line vote.

Mr. AKIN. Reclaiming, you're just saying that what we said is, hey, gas is painful when it gets up there to $3 or $4 a gallon. But you're saying if gas gets to $5, we put an amendment saying enough already; that's enough tax at $5 a gallon. And that was a party-line vote. The Republicans voting, I assume, that they don't want to let it get over 5. The Democrats saying it's okay to tax more than that; is that correct?

Mr. SHIMKUS. That is correct. Another amendment offered by our colleague, MIKE ROGERS, Republican, from Michigan, that would require an annual certification by the administrator in consultation with the Department of State and the United States Trade Representative that China and India have adopted a mandatory greenhouse gas reduction program at least as stringent as that would be imposed under this act. And what we're saying is this is all pain and no gain unless we have an international agreement that brings in China and India.

Well, my colleagues on the other side all voted ''no'' against requiring China and India to be under the same regime. Republicans all voted that we should be in the same regime.

Another amendment that said if unemployment gets to 15 percent, that we ought to change course, that this cap-and-trade scheme is not working. Another party-line vote, Republicans saying we ought to get out of this agreement if job loss gets to 15 percent. Democrats stayed on the party line saying, no, 15 percent job loss is acceptable under this bill.

Mr. AKIN. Just reclaiming my time for a minute. What—how much unemployment do we have now? We're not up to 10 percent yet, are we gentleman?

Mr. SHIMKUS. We are right around 10 percent.

Mr. AKIN. Right near 10. So you're saying if it gets to 15, enough already. We've got to ease back on this thing that's hurting us. Because the point of the matter is this tax is going to create unemployment. Right? And if they say, well, it's not going to create unemployment, then they don't have any problem with an amendment saying that at 15 percent unemployment we're going to stop it. Right?

But, no, so they're saying no we don't want that amendment, saying they think it will go over 15 percent.

Mr. SHIMKUS. And I am going to head back to the committee and I appreciate the time. Let me just say we also had an amendment: will global warming bills' costs be disclosed. We asked for full disclosure on electricity bills. Republicans said, yeah, that's a good idea. Democrats voted ''no.'' Democrats declined to shield homeowners from electricity spike hikes.

So what we're trying to do is, understanding that this is going to cause an increased cost to the ratepayer, no one's speaking for the ratepayers. Well, the Republicans are speaking to the ratepayer. The Democrats in the committee markup are speaking to those special interest groups that cut this deal behind closed doors.

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You've got a lot of my colleagues here who all want to speak with you. I appreciate your yielding me some time. Keep up the great fight.

Mr. AKIN. Congressman SHIMKUS is just doing the yeoman's job on the committee. It's a tough thing. Those amendments seem to me so commonsense that I'm kind of amazed that

anybody in the political business would dare to vote against something that's saying, hey, it's $5 a gallon for gasoline or unemployment is at 15 percent. Actually, that's not such an odd idea because Spain has put in this same thing that is being proposed here. Their unemployment now is 17.5 percent, and they're suffering. They're calling all the green jobs ''subprime jobs.''

Thank you very much, Congressman SHIMKUS.

We're joined by a very sober judge from the State of Texas, my good friend, Judge CARTER. Welcome to our discussion this evening. Let's talk a little bit about these taxes.

Mr. CARTER. Well, some of the things that our friend Congressman SHIMKUS said are pretty sobering.

Mr. AKIN. Yes, they're sobering. They even make a judge sober. I yield.

Mr. CARTER. We're saying $5 a gallon for gasoline with that increase being caused by this tax-and-trade scheme that's being sold to the Congress as some kind of clean-up-the-world project. We think that at least ought to raise the issue and should slow down the process. Yet they say, No. Let's see what's going to happen when it gets to be $5 a gallon.

Let's think in our recent past as to what happens when gasoline gets to $5 a gallon. Well, of course it's going to be the evil oil companies' fault that secretly have made deals with each other to fix prices and to make them go up. That's why, when they said the electricity bills are going to go up, we just said that we wanted them to say on the electricity bill what caused this to go up. Well, it happens to be our cap-and-tax program that caused it to go up. That's fair. The American people ought to know what caused the doubling of their electricity bills. Guess what they're going to say? Oh, the evil power companies have jacked the prices up to bilk the poor consumers. Truth and sunshine is what this government needs. Put the truth in the bill.

Mr. AKIN. That's absolutely right. I appreciate the gentleman's perspective, and that's coming from a judge.

You want to know what has happened and exactly what's going on. Don't put this behind smoke and mirrors. We're talking here about comparing the cost of these taxes being proposed. This is the cost of World War II right here, this big blue circle. This cap-and-trade here at $1.9 trillion is a tremendous, tremendous tax. The other wars—this thing here—would be the war in Afghanistan and the terrorist wars and all. All of these are small by comparison to what's being proposed.

So what does that mean for the average family? What are their costs going to be?

Well, you can see the energy here. The blue here is gasoline, and the gasoline is going to jump 16 percent. This is just by 2012. You're going to see a 16 percent increase in the cost of gasoline. The green is electricity. That's going to jump 9 percent, and that's just the beginning. That's only by 2012. Then you've got natural gas, which is going to jump 14 percent. Now, when the economy is rough and people are having trouble with unemployment, this somehow or other seems like a pretty strange thing to be talking about, a massive tax increase like this.

We're joined by my good friend from Georgia, and I would yield time to the doctor.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I think the American people need to understand what this is going to mean to them directly. I think these charts are great. As Judge CARTER said, I think the facts that Mr. SHIMKUS gave us were absolutely sobering, but there are a number of people in this House of Representatives who have openly said that they would like to see gas go up to $10 a gallon. They think that that will start people conserving gas in America. Well, most folks can't afford $10 a gallon gas. There are people in this House who want to federalize—nationalize—the whole of the energy system, and there are many Members of the Democrat majority who are promoting that. I think this may very well be the opening for them to try to nationalize it, just like Hugo Chavez has done in Venezuela, and that's exactly the picture that we see here in America.

What NANCY PELOSI and company are doing here in this Congress is they're going down the same road, and they're trying to force America into the same policies and down the same road that Hugo Chavez in Venezuela has taken that country down. Yet what is it going to cost each individual family?

It is estimated that every family is going to pay over $1,000 in increased electricity costs. It's estimated that the tax, itself—I've seen various estimates—will be anywhere from over $3,000 per family in America to over $4,000 per family in America per year in increased taxes. It's going to increase the cost of food and of medicines. Every single good and service in this country is going to go up because every bit of food and every medicine—every good and service in America—is dependent upon energy. If you flip on the light switch, your bill is going up. If you go to the gas pump, your bill is going up. If you ride public transportation, the bill is going up. The bill is going up. The bill is going up for everything in this country. The American people need to say ''no'' to this idiotic, what I call, ''tax-and-cap.'' The reason I call it ''tax-and-cap'' is because it is a huge tax. It's not about the environment.

The President, himself, said that this needs to pass so that he can fund his socialistic agenda. He didn't call it a ''socialistic agenda,'' but that's exactly what it is. It's a big government agenda for health care. For every single thing that this country does, they want to do that.

Mr. AKIN. Dr. BROUN, I appreciate your firmness and your just basically calling this what it is.

An hour ago, we heard the Democrats talking about the fact that, oh, they're really into technology and innovation and all of this kind of stuff. This thing has nothing to do with technology or innovation. This is just a plain, old tax increase. It's a plain, old tax increase, but it's a big, whopping tax increase, is what we're dealing with here, and the justification is kind of amusing.

I'd like to take just a minute, and then I'm going to recognize my good friend, Congresswoman LUMMIS from Wyoming.

Having an engineering background, I kind of get interest out of it. How much human activity does it take to affect greenhouse gases? This block here of all of these boxes represents all of the greenhouse gases which comprise only 2 percent of the atmosphere. So these are all of the things that cause global warming. Most of this is water vapor. By the way, it's not CO_2, okay? Now then, this yellow stuff over here is the part of the greenhouse gases that is CO_2. Those are the yellow boxes. The little red box there is the CO_2 that is caused by human activity, and that little red box right there is the excuse for this whopping, big tax. Now, somehow or other, the logic of this just seems like a very, very thinly veiled excuse for a great big tax.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. The thing that is the most amusing on this is that the one major source of energy that we have that makes no CO_2 is not being given any credit or is being pushed forward at all, which is nuclear power. We'll talk about that, but I want to yield to the gentlewoman from Wyoming, Congresswoman LUMMIS.

Thank you for joining us tonight. It's just a treat to have you here.

Mrs. LUMMIS. Thank you, Congressman AKIN. I appreciate being involved in this discussion.

This is a national energy tax. This will not solve our problems with pollution, but what will? Sometimes we Republicans are called the ''party of no,'' and it's because we need opportunities to express our better ideas. Indeed, I believe we do have better ideas, and some of them are being illustrated by the chart that Mr. AKIN has on the board right now.

We have opportunities to clean up the technologies and sources of energy that we have right now. We have the opportunity to increase the number of hybrid and zero-emission vehicles on the road. We have the opportunity to increase wind and solar and biofuels. We have the opportunity to add to the amount of natural gas that we use because it is, by far, the cleanest burning hydrocarbon. We have opportunities to sequester the CO_2 that comes from coal, and as we know, coal is more than half of the electricity that is produced in this country. So, to abandon coal

abruptly is just not possible. We should pursue ways to clean it up. That includes sequestering carbon.

My State of Wyoming has the most advanced carbon sequestration laws in the country, which say that the pores under the surface where carbon can be sequestered—or captured and secured—belong to the surface owner, and that liability for the escape of hydrocarbons that are introduced into those pores are on the companies that put that carbon in the ground. So that creates a mechanism that other States are looking at right now, including Montana and others that are following Wyoming's lead.

In addition, we need to produce from coal liquid products that burn less. In addition, we need more nuclear energy. As we know, nuclear energy is not a carbon emitter, and it is producing 20 percent of our electricity now. So we absolutely cannot take nuclear energy off the table. It's very important that we add more nuclear.

Mr. AKIN. Reclaiming my time, Congresswoman LUMMIS, what you're saying is really exciting. You're talking about what the Republicans have been pushing for now and since I've been here, which has been since 2001. It's an all-of-the-above strategy. It's saying let's let freedom work. Just get out of the way, and let's start developing hydrogen. If we've got places we ought to drill for oil, then do that. Fine. If we've got to do coal, let's figure out if you're going to sequester it or not. If we need nuclear and if you're really worried about that percentage of CO_2—I mean if you're really serious about that, then why not embrace the number 1 technology that doesn't make any CO_2, which is nuclear? We're saying do all of these things. Let the free marketplace work and let freedom basically run. Let American innovation—and let the resources that God gave us on this land—work, and we will have energy.

You know, there's an ironic thing that is just absolutely crazy about government. Do you know why the Department of Energy was created years and years ago? This is kind of a quiz question if any of my colleagues happen to know the answer. Why did we create the Department of Energy?

Dr. BROUN from Georgia, do you know why we created the Department of Energy?

Mr. BROUN of Georgia. Absolutely. It was created to make America energy independent.

Mr. AKIN. What has happened since we've created it, Congressman?

Mr. BROUN of Georgia. Well, it has not made America energy independent whatsoever.

Mr. AKIN. We are less that way.

Mr. BROUN of Georgia. We are less.

Mr. AKIN. What has happened to the number of employees in the Department of Energy?

Mr. BROUN of Georgia. It has skyrocketed. They're really not fulfilling the obligation that they have under the charter of developing the Department of Energy, so they've been an abject failure at what they were charged to do.

Mr. AKIN. In fact, you could almost say it's of inverse proportion. The more people they've hired and the bigger it has gotten, the more dependent we have become on foreign energy. That doesn't make a whole lot of sense.

I want to thank Congresswoman LUMMIS, and I also want to get back to Judge CARTER here.

I want to give you a chance to take a look at some of these things. We've got, I think, only just about another 5 minutes or so.

Mr. CARTER. First, if they're not doing their job, we ought to fire them. That's just really easy, okay?

Mr. AKIN. I think that was pretty straightforward. If they don't do the job, fire them.

Mr. CARTER. That's simple stuff. If they're not doing what we hired them to do, we've got to fire them.

Mr. AKIN. Now, Ronald Reagan wanted to close the department down.

Mr. CARTER. Yes.

Mr. AKIN. Is that what you're advocating?

Mr. CARTER. That's fine. I don't have a problem with that at all, but let's get back to what we're doing.

You know, there's an old saying: ''I won't tax you and I won't tax me. I'll tax that fellow behind the tree,'' okay? That's kind of what we heard from the Obama administration when we started off: Don't worry. Ninety-five percent of the people in America are not going to be taxed by this administration. Yet, as my colleague from Georgia said, there's not anything you can think of that doesn't have an energy cost in it. Nothing. I mean it's in everything. So I don't care how rich you are or how poor you are. You're going to be taxed by this.

Now, don't give me the excuse of, well, we're just taxing the company, and they're taxing you. That doesn't work. Everybody knows where this tax is going. They know it in the administration, and we know it in Congress. It's going to us, to the individual Americans, and we're going to pay this tax. Look at that. Shoes. Plastic. Food. Electricity. Housing. All that.

Mr. AKIN. Reclaiming my time, these are all different places. If you're going to have to use it up, it's going to cost you $1,900 per household just for the first year of this tax. This just tells you what you'd have to give up to save that money to pay that tax. This one here is all of the meat, poultry, fish, eggs, dairy products, fruits and vegetables that a family eats in 1 year.

□ 2030

That's what you've got to give up to compensate for this tax that's being proposed. Or, maybe you don't want to do that. You want to give up this—all furniture, appliances, carpet, and other furnishings. You can give that up for 1 year.

Mr. CARTER. If the gentleman would yield for just a minute. On that food thing, you have forgotten the next tax they're coming up with is the flatulence tax on cows.

Mr. AKIN. Are you going to collect that in bags, gentlemen?

Mr. CARTER. Ask our farmers if they like that idea.

Mr. AKIN. I think we're getting close on time, but the good news is my good friend, Congressman KING from Iowa, is here. I think he is going to continue talking on the same subject. I think he might be willing to recognize some of the other Congressmen that want to weigh in on this absolutely crazy sort of tax system that's being proposed.

The funny thing is that, just to conclude, this chart right here, this is something the Democrats have been unwilling to deal with or talk about. But, see this little card? There's a little plastic thing here and there's a thing inside there that's the size of two mechanical pencil erasers. There's enough nuclear energy in that little pill right there to equal 149 gallons of oil, 1 ton of coal, or 17,000 cubic feet of natural gas. That's how much energy is in that one little tablet. Maybe we ought to be thinking about real technology.

Thank you all for joining me this evening.

AMERICA'S ENERGY CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. The gentleman from Iowa is pleased to be recognized to address you tonight in this 60-minute period of time.

Having recognized that the gentleman from Missouri was in the middle of a statement, and having recognized that there were gentlemen here on the floor, along with the gentlewoman from Wyoming, that are still full of information that America needs to hear, Mr. Speaker, I will just simply set the stage with a very short piece of this—and that is that I think we need to have the smoothest of transitions from Special Order to Special Order, and that would require that I yield so much time as he may consume to the gentleman from Missouri (Mr. AKIN) who was in the middle of a statement when his 60-minute clock ran out.

Mr. AKIN. I thank you very much, gentlemen. Congressman KING is known for the Opportunity Society that he chairs. He brought in a speaker just a matter of a couple of weeks ago, an economist from Spain, talking about the exact same thing that's being proposed here in America. In fact, the President has referred to Spain as a great example of what we should do. And he informed us that it's a great example if you like 17½ percent unemployment.

What he described was—one of the things that was just amazing to me in terms of the contradiction that's involved was, they closed down nuclear

power plants in Spain because they're worried about CO_2. Yet, nuclear power plants don't make any CO_2 at all.

In fact, the chart next to my good friend from Iowa there, the chart is a blowup of that little tiny card in the top left corner that's clipped on there. That little tiny pellet that's the size of two pencil erasers, if you have a couple of those, it takes just—let's see, if you have two of those, it takes all of the energy you need to heat your house for 1 year. Two of those little tiny pellets. Yet, you're talking about two times 149 gallons of oil or 2 tons of coal or the equivalent of two times 17,000 cubic feet of natural gas.

And so if you're really serious about stopping CO_2, aside from the flatulence of the sheep in Australia and all, look, nuclear is clearly the logical thing for us to do.

If you could pop the next chart up there, too. These are the sources of emission-free electricity. If you take a look at it, nuclear right now, that's making no CO_2 emissions, is 73 percent. Yet, there's no discussion at all about what is going to be done with nuclear. That just seems to be—I mean, what we are really talking about is just a good excuse to tax people. And I'm afraid.

I don't want to ramble on too far, but it seems so odd that Spain would basically shut down nuclear in the name of trying to protect against CO_2. I mean the engineer in me just says these people have drunk some kind of Kool-Aid.

The thing that was frightening—and I will conclude with this—about the Spanish system, was that the country sold off licenses to people to make their clean energy that was solar and wind. And the government would guarantee you a really high rate of electricity if you bought solar panels if you bought one of these licenses.

So the people would give these licenses. You've got all these people with licenses. They're buying solar panels and windmills. As they do that, they feed that electricity into the grid, and they get paid a good chunk of change for it, which then of course is then passed on to the taxpayers.

They have had a 30 percent increase in electric rates in the last couple of years for the consumer. But for industry, in a year and a half, it's been a 100 percent increase. Here's the bad thing. When the wind and the solar don't cooperate, they tell the aluminum manufacturer, they tell the steel manufacturer, Shut your plant down.

Guess what those aluminum and steel manufacturers are doing? They're moving out of Spain. That's why they have got a 17½ percent unemployment over there.

And so I don't think we really want to follow Spain's example. They create this system where now, politically, they can't put the genie back in the bottle because you have all these people on the take and you politically can't say we're going to take away your lucrative business of making all of this electricity because they bought windmills and solar panels which don't work when the sun isn't shining or the wind isn't blowing.

It's a really amazing thing. I sure hope America doesn't go down this big old tax thing. I yield back to my good friend from Iowa and your leadership.

Mr. KING of Iowa. Thanking the gentleman from Missouri, and reclaiming my time, I would add to the statement he's made—and I'm quite impressed with the attention the gentleman must have paid at that presentation that morning—but to look at the situation in Spain, the highest unemployment in the industrialized world; 17½ percent, as the gentleman from Missouri has said. Over 100 percent increase in industries' electricity costs, and the idea that 20 percent of the electricity in Spain is generated by wind, which pushes up against the threshold of anybody in the country, anybody in the world that lays out these standards.

If you could produce 20 percent of your electricity by wind, that's way up against the threshold because we know that wind doesn't blow all the time. It lays down often at night, it doesn't always blow when you need the electricity. You have to have backup systems, you have to have gas-fired generators that can be fired up to take care of that demand when the wind is not blowing.

But, additionally, another statement that the gentleman from Missouri didn't make is how the Sicilian Mafia stepped in and was engaged in the brokering of licenses that determined who would be building the wind generation plants in Spain and the companies that would be building them and the inefficiencies that came from that, let alone the corruption that came from it.

Whenever you have government involved in brokering out licenses that has to do with who's going to be providing something that's not demanded by the market, I think exposes a great flaw in this. And the government of Spain about 7 or 8 years ago decided they wanted to be the world's leader in renewable energy. They set about going down that path.

Following that path to become the world's leader in renewable energy, they achieved it. But they also achieved the highest unemployment in the industrialized world—17½ half percent—a 100 percent increase in industries' electricity costs. They brought in the Mafia from Sicily, the Sicilian Mafia, that would be brokering the licensures along with some people in Spain, I'm convinced, and now they have a situation that so many people are bought into it that they can't step away and say that was a colossal mistake, and if we're going to save the economy of Spain, we have to pull the plug on this renewable energy idea.

This greenest of countries in the industrialized world, Spain, has the most stressed economy in the industrialized world and, in big part, because they have bought into this vast green concept of American energy.

So, as we flow with this, I see a posture of eagerness on the part of the gentlelady from Wyoming, Mrs. LUMMIS.

Mrs. LUMMIS. Thank you, Mr. KING. You do such a nice job of laying out these issues. I want to thank Mr. AKIN for including me in his last hour as well.

The chart that was just placed up on the board illustrates something that is a new phenomenon in terms of the debate about renewable energies that I had not heard before arriving here in Washington—and that is objection by the environmental community to something called industrial-scale wind farms and industrial-scale solar farms.

So even the advocates of renewable energy in terms of wind and solar are saying, Yes, we embrace wind energy and solar energy, but we do not want them done in industrial scale because it consumes so much land, it creates view sheds that have too many wind turbines on it, too many solar panels on it, and that we don't want them.

And we are seeing efforts by Members of Congress when, coupled with environmental groups, to prevent large-scale wind farms and large-scale solar facilities in deserts and in areas where one might think would be appropriate for wind and solar, such as places where the wind blows and the sun shines. But, nevertheless, the problem seems to be the industrial scale that is being proposed for these facilities.

Well, as you and I know, Mr. KING, unless you do these on industrial scales, you can't possibly promote them as a larger component of our industrial energy mix. In fact, if you blanketed the entire State of Ohio with wind turbines, it would produce annually the equivalent amount of energy as one square mile of Wyoming coal.

Now, Wyoming coal comes in square miles, which is very unusual for those of you from the East who are used to underground mines. We have something called surface mines, where you may have 30 to 100 feet of overburden, which is essentially the soil on top of the coal. And then you will uncover 100-foot coal seams. They are 100 feet level of coal, with no striations of anything but coal in between.

So all you have to do is scrape off and save the overburden—the soil—pile it up, recover the coal, scoop it out, load it in trucks, load it in rail cars, and then put the top soil back in the same contours as it was before you began mining, reclaim the surface to a condition that is equivalent to or superior to the condition of the surface of the ground before you even began to recover the coal, and put it back to normal with ground for sage grouse, for rabbits, for snakes, and perfect, perfect ground cover.

Mr. KING of Iowa. Will the gentlelady yield?

Mrs. LUMMIS. So it is a wonderful resource.

Mr. KING of Iowa. For snakes?

Mrs. LUMMIS. Snakes and rabbits. They seem to go together. I was at a

field hearing 2 weeks ago for the Natural Resources Committee. We toured solar facilities in California. We were in Representative MARY BONO MACK's district and Representative JERRY LEWIS' district. We were on a Marine base at Twenty-Nine Palms with my committee cochairman, JIM COSTA, who is from California as well.

We got to tour their solar facilities. And they are about to put at a Marine base at Twenty-Nine Palms 240 acres of an abandoned lake bed—it is dry, there's absolutely nothing on it—in solar panels. And they will be able to do that in a way that improves the makeup, the mix of renewable and unrenewable resources on that base that will make it the leading base in the whole Marine system for renewables, because they have wind, solar, and some geothermal.

But they probably could not pull that off if they were not on a nearly 600,000-acre military base, because if you try to move that same facility onto public lands in the desert, you encounter environmental group resistance to having large solar and wind projects, industrial scale.

□ 2045

So there's nowhere to go without offending someone in this country. Oil and gas development offshore on the Outer Continental Shelf would be a magnificent resource for us, but there are environmental groups that have testified against that. Industrial-scale wind and solar on deserts in California, groups are testifying against that. Nuclear, groups are testifying against that. Any hydrocarbon, groups are testifying against that. Coal, there are groups saying there's no such thing as clean coal.

We have to meet our energy needs as human beings, and there are ways to do it by using all of the resources we've discussed in moderation. That is the Republican response to this issue. To do it cleaner, do it better, do it with all of the resources that we have at our disposal in America; disengage from our need for foreign oil, because that is a national security issue, and produce our own energy, our own security. Do it in a more environmentally sensitive manner, but don't diminish our standard of living at the time we do it because it falls more seriously on working-class Americans and poor Americans than it does on rich Americans when we do something like our national energy tax, which is proposed under the name of cap-and-tax.

Thank you very much for including me in your discussion this evening, and I yield back to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlelady from Wyoming.

It occurs to me that if this Congress is to have a nuclear carbon footprint—I remember the Speaker when she was, let me say, sworn into the third-highest constitutional office in the United States of America, third in line for the presidency, she concluded that this Capitol Complex was going to be carbon neutral, which means greenhouse gas neutral, which means CO_2 gas neutral. And having a look at the generating equipment that produces the lights that illuminates us tonight, Mr. Speaker, it occurred to the gentlelady, the Speaker of the House of Representatives, that she would need to make a correction that would make it consistent with her left coast constituents. So it went on the Board of Trade and carbon credits were purchased at a cost to the American taxpayers of $89,000 to buy these credits that were designed to pay people to change their behavior that was contributing to the greenhouse gas, CO_2, and the atmosphere over all of God's creation. That $89,000 was invested in two areas. I checked this out, and I went to visit some of the sites. One of them was no-till farmers in South Dakota. They were no-till farmers before they got the check. They were no-till farmers after they got the check. If they actually tilled the ground afterwards, the carbon escaped anyway. So if they sell the farm, somebody comes in, puts a disk or a plow to it, it will go back into the atmosphere. So the sequestration was nillo, shall we say. That was the no-till farmers in South Dakota. There was also a nice check that was written to an electrical generating plant in Chillicothe, Iowa, that was to pay them to burn switchgrass in place of coal in order to make the CO_2 emissions carbon neutral as opposed to contributing to the CO_2 in the atmosphere, which would come from the net consumption of coal. Well, I don't know. This is a pretty interesting thing. So I went to Chillicothe, Iowa, and I visited the generating plant. I went into these buildings that were full of the switchgrass hay they had purchased several years earlier, at the cost to the Federal taxpayer and a government grant, the equipment to run these big round bails, 1,500-pound switchgrass bails, through a hammermill to chew them up into little itty-bitty pieces, to spit them into the incinerator and blend them with the coal dust that would come from the grinding of the coal that would allow it to combust at the most efficient rate. This switchgrass that was going to be carbon neutral had been burned to generate electricity a couple years earlier, but—here is something I know—when I'm looking at a shed full of switchgrass brown bails, and it's covered with coon manure—not cow flatulence but coon manure—they probably haven't burned much of that hay in a long time.

So the conclusion that one can draw was actually, 2 years earlier was when they shut down the switchgrass burning technique, but yet they were paid to burn the switchgrass and to do this carbon-neutral approach. So we have 89,000 taxpayer dollars invested in purchasing carbon credits to provide carbon-neutral emissions for the Capitol Complex, to buy these carbon credits on the Board of Trade in Chicago, to encourage people to do more things that are more conducive to the environment and produce less CO_2 than they would have otherwise. I couldn't verify that anybody changed their behavior whatsoever for $89,000. I can tell you, if somebody wrote me a check for $89,000, I would at least consume less energy, let alone produce that energy in a more environmentally friendly fashion.

So that's the result of cap-and-trade that is being proposed by the Energy and Commerce Committee today and probably tomorrow and hopefully the next day and the next day and the next day ad infinitum until they decide that the science doesn't support this and the economics doesn't support it. But that comes to mind for me. And, by the way, the electricity that we consume in Iowa, a lot of it comes out of the Powder River Basin in Wyoming. I have been up there to look at that, where you could put a school bus in the bucket of the drag line. I'm still a little confused about square miles versus cubic miles of coal, but I know they have a lot of it in the Powder River Basin. I'm glad to have the power, and I appreciate the rail lines that come down. I really don't want captive shipping going on, but I appreciate the connection we have along with the renewable energy that comes out of the Missouri River and the seven dams that are on the Missouri River and the hydroelectric power that comes, which is carbon neutral, Madam Speaker. Our hydroelectric is carbon neutral but it does not get credit for being renewable energy because Bobby Kennedy Jr. and others think that however the rivers were is how they ought to be reverted back to and that we can't improve upon Mother Nature. I think God gave us these natural resources, and he's given us the ability to improve upon them. We've done so in many cases, and we should do so into the future.

I would be happy to yield to the gentleman from Texas, the Secretary of our conference, Judge CARTER, as much time as he may consume.

Mr. CARTER. I thank my friend from Iowa.

As I listened to that story about switchgrass and that we paid those people money, I don't have anything against them, but it sure sounds like the inmates are running the asylum around here. I mean, I think anybody that heard that story would think, Good Lord, those people are crazy. I really want to say again—and I've said this before—if you're trying to stop CO_2, and I'm throwing off a bunch of CO_2 in my company, and I can go out and buy some carbon credits from you who happens to be running a real good clean company, I still keep putting the stuff in the atmosphere, right? I haven't cleaned up my act. I mean, they put a cap on me. I'm not meeting the cap, and I just bought an excuse. Kind of like Al Gore with his 100,000-foot house—or whatever it is he's got,

or two or three houses—he said, Oh, that's all right. I buy carbon credits. He's still putting the stuff up there in the air.

Mr. KING of Iowa. Reclaiming my time for a moment, I would point out that the carbon credits are the modern-day equivalent of the reason that Martin Luther came forward and nailed his positions up on the Diet of Worms which is, the church was selling indulgences. Carbon credits are indulgences that allow a company to pay for the carbon emissions that they're emitting into the atmosphere. I think that's what the judge is talking about.

Mr. CARTER. I think indulgence is a perfect word because you are allowing the dirty people to indulge in staying dirty by paying for it.

Mr. KING of Iowa. For a price.

Mr. CARTER. Under this ingenious government program we have got now, all they're doing is just paying more taxes.

Mr. KING of Iowa. Sin tax.

Mr. CARTER. It is a sin tax. That's exactly right. It's a sin tax. It is ludicrous to think it's going to reduce any carbon, CO_2 that goes into the atmosphere. Because as long as a guy wants to pay the taxes, he's in business. Let's face it, if I'm the guy that's paying the sin credit, the indulgence, well, if I can pass it on down to the neighbors down the street in their bill, that's where it's going to go. So those poor slobs are paying the tax. Why should I worry about it? Why is that going to keep me from putting CO_2 into the atmosphere? This is insanity, but that's where we are.

Mr. KING of Iowa. Passing it on to the consumer is what this is about. We have seen the numbers that show that an MIT professor has done the calculation on the costs of the proposal on this cap-and-tax that's out before this Congress and put a macronumber on the cost to our economy. Then some ingenious people who just simply took the average number of persons in a household, which is calculated to be 2.54, and divided that into the overall cost to our economy, the increased cost of energy that has to do with cap-and-tax. They concluded that each household would see their energy costs go up annually by $3,128 a year. Then the professor at MIT said, Oh, wait a minute. I'm real sorry I released the number because I don't like the result of the conclusion that came about because of the division of the numbers of persons in a household and the cost per household that would be the increase in the cost of all of our energy, electrical, our heat, our gas bill, our gasoline bill and our fuel oil and all of those things that are required to keep each household going. That's what's going on here. This is almost to the point where it's a religion that believes in something that isn't based upon a science. Now I'm great with faith, but I'm not so good with faith that's based upon pseudo-science.

I would ask the Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 35 minutes remaining.

Mr. KING of Iowa. I would be happy to yield as much time as he may consume to the gentleman from Georgia, Dr. PAUL BROUN, another one of my friends and colleagues.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, this whole cap-and-tax philosophy is a hoax. It's a hoax. It's a hoax on the American people, and it's a hoax because it's giving a promise that cannot be fulfilled. We are promised by the Democrats that this is going to create green jobs. Going back to what the gentleman from Spain said as Mr. AKIN and you, Mr. KING, were talking about, he said it cost jobs. Going back to the figure that you put out, Mr. KING, they had an unemployment rate of 17.5 percent because of their cap-and-tax, cap-and-trade policy that they put in place. The experts have looked at our economy, at our job market, and we're being promised green jobs. But the experts say that for every single green job that's produced, we're going to lose 2.2 other jobs, a net loss of 1.2 jobs for every job created in this false promise, this empty promise of creating jobs.

Now to buy off some certain groups, particularly the retirees and the poor people, they're going to give—who knows what, refundable tax credits—the President and Mr. WAXMAN and others are promising to give more money to the poor people to take care of this higher tax, higher food cost, higher cost for all goods and services. Where's that going to come from? It's going to steal from my grandchildren. It's stealing from their future. Don't be fooled by this hoax, by all the smoke and mirrors, by all this promise because it's not going to do anything but cost jobs. It's going to create a higher cost of living for everybody, and it's going to put us in a deeper recession, maybe even a depression if we continue down this road. Republicans have offered amendment after amendment in the committee, but they've been defeated by the Democrats. Amendments to even just stop this from going into place if the gas taxes or gas costs go too high or if electric prices go too high or if other prices go too high for the American people. But the Democrats have voted uniformly not to accept those amendments over and over again.

Congresswoman LUMMIS from Wyoming talked very eloquently about some of the ideas that Republicans are producing. The American people are told that the Republican Party is the Party of No. Well, I agree with that. We are the Party of No, but the know is K-N-O-W. We know how to solve this economic downturn. We know how to solve some of the financing problems in health care. We know how to create an all-of-the-above solution to the energy problem to make America energy independent.

□ 2100

But the Speaker of the House has been an obstructionist. She has been an obstructionist and not allowed any idea that we have proposed for all these things to stimulate the economy, to solve the problem we had with the housing market and to solve the banking problem. We have not been allowed. All of our ideas have been blocked by the leadership of this House and the leadership of the Senate.

Mr. KING of Iowa. Will the gentleman yield?

Mr. BROUN of Georgia. Absolutely.

Mr. KING of Iowa. I would just ask: Have all of your ideas been blocked? How does this work? Can't you offer an amendment that would put up a recorded vote and tell America where you stand? What prevents you from at least telling America where you stand so that they can evaluate the votes of people on both sides of the aisle and make their decision in November of 2010? What is the obstruction there?

Mr. BROUN of Georgia. Absolutely. And I have offered an amendment to the non-stimulus bill. I offered an amendment that said, let's bail out the American people instead of bailing out all these favorable groups, the payback groups. In fact, the Democrats were bent on spending $835 billion of our grandchildren's and children's future. I said, if we are going to do that, let's really do something that stimulates the economy. Let's send that money to the legal resident taxpayers in this country. And I introduced an amendment that would have sent a check for almost $9,000 per legal resident taxpayer. A couple would have gotten $18,000. That would have stimulated the economy because they would have paid off credit card bills. They would have saved it. They would have bought education or food.

Mr. KING of Iowa. If the gentleman would yield, then why didn't I see that amendment on the floor of the House of Representatives and have an opportunity to send a message to my constituents about how I would like to see this economy managed? Is there a reason that blocked that from coming to the floor?

Mr. BROUN of Georgia. Absolutely. And I thank you for asking because that is exactly what I was referring to. Every single idea, my idea as well as many others, have been blocked. They have been obstructed. My amendment was considered not to be valid. And they just totally would not allow my amendment to even be considered on this floor.

Mr. KING of Iowa. Reclaiming my time, the Rules Committee, which is up there on the third floor, meets without the benefit of television cameras and often without the benefit of the news media even reporting it. They can decide whether your idea can be heard on the floor of the House of Representatives. And often the Rules Committee decides that your idea will not be heard and it will not see the light of day. Is that correct?

Mr. BROUN of Georgia. You are absolutely correct, Mr. KING. That is exactly what has happened. That is what has happened over and over again. And I want to remind the gentleman from Iowa, my dear friend, that over and over again, we see these bills come to the floor with what is called a closed rule. Now we know here in the House what that means. That means we cannot amend the bill. They will not accept our amendments. They have their bills shoved down the throats of the American people. That is the reason I'm calling what is going on here a steamroller of socialism. That is being shoved down the throats of the American people and strangling the American economy

Mr. KING of Iowa. Am I hearing that the Speaker of the House of the Representatives, NANCY PELOSI, is the one who has the power and does decide what will be voted on on the floor of the House of Representatives, and the people of America have no access to being able to know what your position is or what the position is of Democrats and Republicans because it is being blocked by the Speaker and by the Rules Committee? That is how I understand that.

And I would yield to the gentleman from Texas to clarify that point.

Mr. CARTER. Let me make this very clear. The Rules Committee is the Speaker's committee. The Speaker decides who is on the Rules Committee. So this Rules Committee is an arm of the Speaker's committee. Like one of my Democratic colleagues who went before the Rules Committee said just the other day, he was sort of nervous until he went in and he counted one, two, three, four, five, six; one, two, three, four, oh, I think I'm going to win because there are six Democrats and four Republicans. But the Speaker chooses that committee. They answer to the Speaker. And the chairman is set by the Speaker.

Mr. KING of Iowa. Reclaiming my time, I would make also three additional points to this process.

Mr. Speaker, the American people don't care about process. But I'm about to address process again. It has been raised by the gentleman from Georgia and addressed by the gentleman from Texas. And I will say this, that not only do we have a Rules Committee that decides what the American people get to know about the opinions by recorded vote here on the floor of the House of Representatives, because no matter what kind of logical improvement that may come to perfect legislation from the minds and hearts of the American people, as brought through the minds and hearts of their elected representatives, if the Speaker's Rules Committee doesn't think it is a good idea for that debate to take place, let alone the vote to take place, it will not happen, Mr. Speaker. That is what happens here in the House of Representatives. It is a distorted process. And the rules regulate how much, what is going to be heard, what is going to be debated and what is going to be voted on here on the floor of the House of Representatives. And so I think that that is an educational process that needs to take place. And as I have gone before the Rules Committee, and I have found out that no matter how good my idea is, I actually have come down to the floor here and into the RECORD, it is a matter of record, I have said that we need to get television cameras up there so at least the American people can see the behavior of the Rules Committee carte blanche wiping out good idea after good idea.

Additionally, it isn't just the Rules Committee. It is the full committee process. And I can think of three occasions, Mr. Speaker, where the committee chair has either allowed his staff, or directed his staff, to change a bill after it passed out of committee to go to the floor. And I can think of the case of the stimulus package where there was a 12-hour markup in Energy and Commerce, the ranking member, former chairman, JOE BARTON, was livid that they spent 12 hours marking up, writing, trying to amend and seeking to perfect legislation that was the stimulus package that was initiated at the request of the President, having seen that bill finally pass out of the Energy and Commerce Committee and come to the Rules Committee and come to this floor in a different form, the committee had no say in the end. It was a mock markup in Energy and Commerce.

Subsequent to that, the bankruptcy bill came out of the Judiciary Committee, where I sit and where Judge CARTER and I used to sit arm to arm. I offered an amendment that would set up special provisions for people who went bankrupt because of their house mortgages. I offered an amendment that would have exempted those who have fraudulently misrepresented their income, their assets or the appraisal of the property. It would have exempted them from relief under the bankruptcy bill. That amendment was passed in the Judiciary Committee by a vote of 21–3. After the bill passed out of the Judiciary Committee, the language was changed before it came to the floor.

Then just a little over 1 week ago, on the Financial Services Committee, there was an amendment offered by MICHELE BACHMANN of Minnesota. I think she is Minnesota Number 5. And that amendment would have exempted any proceeds of the bill from going to ACORN, an organization that had been indicted and was under investigation by the Federal Government for election fraud. And that amendment passed unanimously out of the Financial Services Committee. It should have come to the floor as part of the bill. It was totally changed, I believe, at the direction of the chairman of the Financial Services Committee to limit it to only those companies that had been actually convicted of fraud, not those that had admitted to fraudulently filing over 400,000 voter registration forms.

This process is corrupted, Mr. Speaker, and it is because the process doesn't work. If it can change after it comes out of the committee, if it can change out of the Energy and Commerce Committee, if it can change out of the Judiciary Committee, if it can be changed at the direction of the chairman out of the Financial Services Committee, and if the Rules Committee can decide and the Speaker can direct them to decide what comes to this floor, then the American people don't even have the benefit of the debate, let alone the opportunity to improve and perfect legislation, which is a provision by our Founding Fathers.

And I would yield to the gentleman from Georgia to reiterate my point.

Mr. BROUN of Georgia. Thank you, Mr. KING, for bringing this up. The American people need to understand this. And I think this is something that you made very clear. What they did is all of your hard work, and all of Energy and Commerce's hard work, was just thrown in the trash can. And who was involved in doing that? It was the leadership of this House. It was thrown in the trash can. It didn't go through the normal process, normal ''order'' as we call it here. It was thrown in the trash can. And something else was produced by just a very small handful of people. And we had no way of changing that, no way of amending it and no way of doing anything with it. It was shoved down our throats.

That is an oligarchy type of rule. It is a dictatorial manner of running things. And the American people need to know that that's what is going on up here. And the Republicans are offering solution after solution to all these things. The American people need to start demanding something different. It is up to the American people. Because we are in a minority, we can be here talking tonight and every night, as we are, and Mr. AKIN has been here week after week, and you too have, Mr. KING. But the American people need to stand up and say ''no'' to the way this business is going on up here.

Let's go back to regular order. Let's go back to having debate and being able to bring forth ideas from both sides of the aisle. But we are not allowed to do that by the leadership of this House. It is wrong. It is immoral. It needs to stop. And the American people need to demand it to be stopped.

Mr. KING of Iowa. Reclaiming my time, the gentleman from Georgia, I thank you for your statement on this matter. And I would reiterate that each of us represents somewhere between 600 and 700,000 Americans. The franchise is this, Mr. Speaker, we owe all our constituents our best effort and our best judgment. And a lot of that best judgment comes from our constituents who are tuned into those issues who funnel those ideas to us. And we need to sort those ideas, and then we need to bring them back into the process in the hearing process in the subcommittee and in the full committee markup process and in the

Rules Committee and in debate on the floor of the House of Representatives. And the vision of the Founding Fathers is this, that the best ideas of America get synthesized, they get compressed and encapsulated here through this process that I have described finally being debated and voted upon on the floor of the House of Representatives. And there the vigor of the American people can be presented to the United States Senate for them to cool the coffee in the saucer as opposed to the hotter cup that comes from the House. That is the vision of our Founding Fathers. That is the vision that is being usurped by the policies of our regal Speaker who has undermined our national security.

And I would yield to the gentleman from Texas.

Mr. CARTER. We should be very grateful that the Speaker promised us the most open, honest and ethical Congress in the history of the Republic because think how bad it would be if we didn't have that. We wouldn't even be here, would we? It is amazing what promises are made and what promises are broken in this House of Representatives. It is a shame. It is a shame that somebody besides us on the floor of the House, and hopefully some people are watching this, it is a shame, Mr. Speaker, that we are not getting that message out. This is wrong. It is not what the American people sent us here for.

Getting back to our hoax and our indulgences that we are talking about here, I want everybody to know that when Martin Luther hammered that up on the door of the church, he was informing the church that this was wrong to have these indulgences. We need to be pounding one on the front door of this Capitol Building. This is wrong to put this burden on the American people, some of whom really can't afford it, and many of whom are losing their jobs. And to give us a target of 17½ percent unemployment that we can see could come in a much less industrialized nation than we are and what happened there, think what can happen in this Nation.

Mr. KING of Iowa. The President of the United States has said, why can't you learn from Spain?

Mr. CARTER. What we learned from Spain is 17½ percent unemployment. My gosh, back during the Clinton administration they kept saying 6½ percent, 6 percent unemployment was full employment. Well, we have learned that is not true. But there is nobody going to argue 17½ percent unemployment is full employment. We are going to be hurting.

We just spent, as my colleague says, our children and grandchildren and great grandchildren and maybe even for generations never even thought of, we just spent their inheritance just in the first 100 days of the Obama administration. We spent more money than all the history of the Republic put together. And we are wanting to put in a program that can put almost 20 percent of the American workforce out of work? Isn't this the inmates running the asylum?

□ 2115

Mr. KING of Iowa. Reclaiming my time.

This sparks a little bit of a number of some data that I produced about not quite a week ago. I have been asking the question, How do you put this global warming in context, Mr. Speaker? And so I begin to ask these basic questions that any environmentalist that was creating the idea of limiting the amount of greenhouse gasses that could be emitted into the atmosphere, when asked this broader question of, well, how big is this atmosphere—I mean, that is like question number one: How big is the atmosphere? And I don't think anybody here knows the answer to that question, Mr. Speaker. And I would ask you this question directly, but I don't want to put you on the spot. I just want you to listen carefully. That is that our atmosphere, the total weight—this is how we measure it in metric tons—the total weight of our atmosphere is 5.150 quadrillion metric tons. That's the pressure of all of this atmosphere that's pushing down on the Earth's gravity. If you could put a scale on all of the surface of the Earth, they would say, Oh, 5.150 quadrillion metric tons. That's all the atmosphere we have.

Now, that's the idea or the content of the volume of our atmosphere.

Then the next question you've got to ask is, well, if you're going to set the Earth's thermostat by controlling the emissions into the atmosphere from the industry of the United States of America, wouldn't you want to know what the net cumulative total of the U.S. industry since the dawn of industrial revolution would actually be?

Well, I asked the question of the energy information agency that we have—and it's their job—and of course they don't have the answer to that because they never asked the second most obvious question. The first one is how big is the atmosphere. The second one is what has the Earth done or what has America done to contribute to the greenhouse gasses, the CO_2 within the atmosphere? The cumulative total contributed by the U.S. industrial giant since 1800 works out to be this: 178,792,900 metric tons of CO_2.

Now, what's that mean to anybody that's paying attention? I'm sure there is somebody out there that's run the calculator and already come to this conclusion. This would be .00347 percent of the overall atmosphere.

Now, what does that mean in terms we can understand? This way, Mr. Speaker. If you would draw a circle that represented the entire volume of the Earth's atmosphere and do it at a 48-inch radius, 8-foot circle—so two 4-by-8 sheets of drywall side to side, circle drawn, full amount, more than my full wingspan here, that's the circle that you envision, Mr. Speaker. Now, how much of this overall volume of the U.S. atmosphere is the cumulative total of CO_2 contributed by the U.S. industrial might since the dawn of the industrial revolution? That little circle in the middle of that 8-foot circle would be about like that, .56 inches. The diameter of about a buffalo bullet is about all it would be in the center of that 8-foot circle, and that's the cumulative total.

And we are going to reduce the overall U.S. emissions by 20 percent for a while and then 40 percent for a while and 83 percent for a while. And sooner or later, the arrogance and the vanity of America is going to adjust the thermostat of God's green Earth with a ratio of less than half an inch on an 8-foot diameter circle. How could we possibly imagine that could work? Where is Al Gore when I need him to explain this to me?

I will say this. Al Gore, you were wrong on the science. And those of you who are busily marking up in Energy and Commerce a cap-and-tax bill today, tomorrow, the next day, and for eternity, are utterly wrong on the economics. You would handicap America's economy on some myopic idea, some vanity idea that we could control the Earth's temperature, set the thermostat of America by reducing the size of this .56 circle in the middle of the 8-foot diameter. That's what we are dealing with. That's Midwestern common sense. And we're dealing with the utter arrogance of people who believe this rather than the God that created this Earth.

Mr. CARTER. Well, you forgot that there is one other source of CO_2 that we haven't figured out how to tax on it, but I'm sure they're working on it. We've created some today as we've been in here.

I had a lady when I was doing a townhall meeting. We were talking about energy, and she said, You know, I'm concerned about these emissions because I want my children to be able to breathe clean air. And I said, Do you ever lean over and kiss your kid goodnight? She said, Yeah, I do. I said, Do you realize when you breathe out you're breathing CO_2 into that child's face? She stopped. She said, You know? That is right. I said, You're going to have to stop breathing in the presence of your child.

This gas we're talking about we are all breathing out every breath and all animals are doing the same thing and all plants are loving it because they take it in. And guess what they give back? Oxygen for us. It's crazy. It's really crazy what we're talking about. But that number needs to be added in there. Maybe we should limit ourselves to 30 breaths a minute.

Mr. KING of Iowa. Or allow the miracle of photosynthesis to solve this problem of mothers kissing their children goodnight.

I will yield to the other judge from Texas, Mr. GOHMERT.

Mr. GOHMERT. I appreciate my friend from Iowa for yielding, and I appreciate being in the presence of my former judge, my friend Judge CARTER, and my doctor friend, Dr. BROUN.

Now, I was talking with a group from Baylor University working on their MBA here in Washington, and, of course, the rules are you don't acknowledge people in the gallery, so I won't do that.

But one thing they understand, as sophisticated as the Baylor MBA program is, they understand that if you find yourself in a hole, it's time to stop digging. And the economy is in a hole, and we've been digging. And we're spending so much, we're digging a bigger hole. And we've got manufacturers leaving the country because we're digging ourselves a bigger hole.

And when, as some of us have, you travel to China, Why did you move your industry here? they tell you—the number one answer I got was because the corporate tax is so—it's less than half of what it is in the U.S.—17 percent. And they will cut you a deal. If you bring them a big enough industry, they'll cut some off of that for years. We've got 35 percent, and I believe it's the most insidious tax that there is in this country because we tell the American people that you don't have to pay it. We'll tax these greedy, evil corporations, but you don't have to worry about it. And they don't realize, because the Congress misleads them, that they're the ones that pay it because if they don't, the corporation cannot stay in business.

So here we are with this insidious tax that hurts our corporations trying to compete worldwide, and we're losing jobs. The economy is in the crapper, and we are trying to bring it up. And we're bringing the economy back up, and what happens? Along comes this cap-and-trade idea that is going to further tax businesses that are producing the jobs in America that keep people working and keep people eating and living and surviving. And we're going to add another tax that those in China are not going to pay. And it is hurting the country.

Mr. KING of Iowa. Will the gentleman yield?

I would ask the gentleman from Texas, can you think of some program, a tax or any other program that would more effectively transfer jobs to China, India, and developing countries other than cap-and-tax here in the United States?

Mr. GOHMERT. I appreciate my friend yielding.

I can't think of one. This will drive so many jobs overseas. It's like somebody is sitting back thinking, How can we further hurt the economy? Let's do that. And some genius came up with cap-and-tax.

Mr. KING of Iowa. Reclaiming my time.

I want to pose this question, and this is the question I posed to the judge from Texas and I posed this to the other judge from Texas and the doctor from Georgia. I pose this to all of my Democrat friends over on this side of the aisle. Can you envision any program that would transfer more jobs from America to the developing countries than cap-and-tax? Is there anything out there that would be worse for our economy? If you have an idea, stand. I will yield to you. I will be very happy to yield this microphone to anybody on this side of the aisle that believes that Judge GOHMERT would happen to be wrong or I happen to be wrong that there is any means that can more cripple America's industry or cost our economy more or transfer more jobs to foreign countries than cap-and-tax that's being debated right now in Energy and Commerce. I say none. You don't ask me to yield. That means you have no better idea.

I will yield to the gentleman from Georgia instead.

Mr. BROUN of Georgia. It's a great question.

In my district in Georgia, the 10th Congressional District in Georgia where many counties already have right now, today, right at a 14 percent unemployment rate, I've been told by a number of manufacturers that are still left here in this country that if this cap-and-tax bill goes through, they're shutting the doors. They're moving offshore. They cannot afford to continue to operate in this country. And they're going to do that. It's going to drive up the unemployment rate in my district that's already at 14 percent in many counties.

Mr. KING of Iowa. So the gentleman agrees with my conclusion.

Mr. BROUN of Georgia. Absolutely. Nothing could be worse except for maybe the budget that has been produced by this administration.

Mr. KING of Iowa. Let me pose a question. What would be, in the history of the United States of America, today, including potentially a cap-and-tax bill that's before the Energy and Commerce Committee today, what would be the most colossal mistake ever made in the history of the United States Congress? In your opinion. And then I want to hear the opinion from the gentleman from Texas as well.

Mr. CARTER. We know the corporate tax drives people offshore looking for a better tax structure. We know right now in just a competitive market we have the Chinese offer cheaper natural gas than the Americans. So if you're powering your plant by natural gas and you're paying that corporate tax structure, just in today's world, there is a lure to go overseas to China.

Now, you come in and you're going to add 30 percent to the cost of everything. Why in the world would you not think it's the absolutely worst thing that could happen? We're probably going to get trampled if we don't get out of the way as they head for the west coast to get on a boat to go to China.

Mr. KING of Iowa. Reclaiming my time.

Is there a bigger mistake that has been made in the history of the United States Congress other than handicapping the U.S. economy by applying a cap-and-tax program? Can you think of anything, Judge CARTER, that has happened in the last 200-and-some years?

Mr. CARTER. One of the things that comes to mind is tariffs. Tariffs brought on the Great Depression. I don't know what you're fishing for.

Mr. KING of Iowa. Let me make this statement that Smoot-Hawley didn't put on our economy nearly as much burden as we would have with cap-and-tax. This taxation is the most inefficient taxation ever devised in the history of the United States of America. It applies about $5 worth of tax for every dollar that ends up in the Federal coffers, and otherwise it has no impact whatsoever. It is a tax. It is an 80 percent overburden for a 20 percent revenue stream. That's how bad cap-and-tax is. And I believe it's the most colossal mistake—if it's done—in the history of the United States Congress.

I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I absolutely agree with you, Mr. KING. I don't believe there's been a bigger colossal failure to the American people than this proposed cap-and-tax—tax-and-cap, as I call it. It's going to be disastrous for our economy. It's going to be disastrous for everything that we believe in as a Nation.

Right now today, this government is spending too much money, it's taxing too much, as Judge CARTER was talking about. We have the highest corporate tax rate in the world, which is driving companies offshore and it's causing unemployment. We're borrowing too much. We're borrowing our children's and our grandchildren's future. They're going to live at a lower standard of living than we do today with the policies that we've seen just over the last about 120 days already today. And this cap-and-tax policy is going to make it magnified markedly.

We've got to stop the spending. We've got to stop the taxing. We've got to stop the borrowing, and we've got to put America back on track.

And what I want to say before I yield back is that the American people need to understand that the Republicans are the ''party of know,'' k-n-o-w, because we know how to solve all these problems if we'll just be allowed to do so.

Mr. KING of Iowa. Reclaiming my time and presuming that we have a couple of minutes left.

The SPEAKER pro tempore. Two minutes.

Mr. KING of Iowa. I thank the Speaker for that acknowledgment.

We have watched this free enterprise system be subverted, and it's been subverted almost systematically and in a Machiavellian fashion and a fashion so much faster than I ever would have imagined it could have done. I've watched class envy be implemented as

a political tool that pit Americans against Americans and say to them, You don't have to worry about your car payment, your utility bill, or your rent or house payment because sooner or later, the Federal Government is going to cover that.

□ 2130

We're going to take from those who produce more, and we are going to give it to people who produce less. It's a matter of a political tool that says you are not really entitled to what you earn but you are entitled to what you claim you need.

And so this statement was made this morning by Star Parker, who is a wonderful, wonderful American citizen. She said the policy, as exists now in America, is that if somebody has something that you want, you go hire politicians to take it from them and give it to you. That's what's going on in America today, this America that was a meritocracy, an America that when my grandmother came here from Germany a little over 100 years ago, people stood on their own two feet, provided for themselves, and reached out and helped others. Where my father and his family were raised off of the coins in the cookie jar, today it's the coins of those who are working being passed over to those who don't, Mr. Speaker.

We cannot be the most successful Nation in the history of the world if we do not refurbish the pillars of American exceptionalism. If we don't reestablish the merits of our free enterprise capitalistic system, if we don't refurbish the property rights that are there, if we fail to refurbish the rights that come from God, that are conferred through our Declaration and reiterated by our Founding Fathers, that these rights come from God and that they're natural rights and it falls under natural law, if we fail to refurbish the pillars of American exceptionalism, we have seen the apex of our civilization.

The charge is on all of us. The charge is on Democrats to wake up to this fact, and the charge is on Republicans to wake America up to this fact. And I am committed to this cause, as are my colleagues here in the House of Representatives, including the judge from Texas and the doctor from Georgia.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRALEY of Iowa (at the request of Mr. HOYER) for today on account of son's high school graduation.

Mrs. BACHMANN (at the request of Mr. BOEHNER) for today and the balance of the week on account of the passing of her father-in-law.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today and May 21.

Ms. FOXX, for 5 minutes, today and May 21.

Mr. WOLF, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today and May 21.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 131. An act to establish the Ronald Reagan Centennial Commission.

H.R. 627. An act to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 896.—An act to prevent mortgage foreclosures and enhance mortgage credit availability.

ADJOURNMENT

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Thursday, May 21, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1910. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Carbofuran; Final Tolerance Revocations [EPA-HQ-OPP-2005-0162; FRL-8413-3] received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1911. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — New Drug Applications and Abbreviated New Drug Applications; Technical Amendment [Docket No.: FDA-2009-N-0099] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1912. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Astringent Drug Products That Produce Aluminum Acetate; Skin Protectant Drug Products for Over-the-Counter Human Use; Technical Amendment [[Docket No.: FDA-1978N-0007] (Formerly Docket No.: 78N-021A)] (RIN: 0910-AF42) received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1913. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D2 [[Docket No.: FDA-2007-F-0274] (formerly Docket No. 2007F-0355)] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1914. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Silver Nitrate and Hydrogen Peroxide [[Docket No.: FDA-2005-F-0505] (formerly Docket No.: 2005F-0138)] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1915. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey Reasonable Further Progress Plans, Reasonably Available Control Technology, Reasonably Available Control Measures and Conformity Budgets [EPA-R02-OAR-2008-0497, FRL-8905-7] received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1916. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona, California, Hawaii, and Nevada [EPA-R09-OAR-2008-0860; FRL-8905-8] received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1917. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Bryan, Texas) [MB Docket No.: 09-34 RM-11522] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1918. A letter from the General Counsel, Fed. Energy Regulatory Comm., Federal Energy Regulatory Commission, transmitting the Commission's final rule — Modification of Interchange and Transmission Loading Relief Reliability Standards; and Electric Reliability Organization Interpretation of Specific Requirements of Four Reliability Standards [Docket Nos.: RM08-7-000 and RM08-7-001; Order No.: 713-A] received May 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1919. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Chicago, transmitting the 2008 management reports and statements on the system of internal controls of the Federal Home Loan Bank of Chicago, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

1920. A letter from the Director, Department of Justice, National Drug Intelligence Center, transmitting the Department's report entitled, ''National Gang Threat Assessment 2009 (NGTA 2009)''; to the Committee on the Judiciary.

1921. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Smith Creek at Wilmington, NC [USCG-2008-0302] (RIN: 1625-AA09) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1922. A letter from the Attorney, Coast Guard Office of Regulations and Administrative Law (CG-0943), Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Severn River, College Creek, Weems Creek and Carr Creek, Annapolis, MD [Docket No.: USCG-2008-0154] (RIN: 1625-AA08) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1923. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Corrections; Hatteras Boat Parade and Firework Display, Trent River, New Bern, NC [Docket No.: USCG-2008-0309 (formerly USCG-2008-0046)], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1924. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BWRC '300' Enduro; Lake Moolvalya, Parker, AZ [Docket No.: USCG-2008-0245] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1925. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BWRC Annual Thanksgiving Regatta; Lake Moolvalya, Parker, AZ [Docket No.: USCG-2008-0246] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1926. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Republic of China Concerning the Impostition of Import Restrictions on Categories of Archaeological Material from the Paleolithic Period through the Tang Dynasty and Monumental Sculpture and Wall Art at Least 250 Years Old, signed in Washington on January 14, 2009, pursuant to 19 U.S.C. 2602(g); to the Committee on Ways and Means.

1927. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a report on action being taken to extend the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Honduras Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures of Honduras signed at Tegucigalpa on March 12, 2004, pursuant to 19 U.S.C. 2602(g); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee of Conference. Conference report on S. 454. An act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes (Rept. 111–124). Ordered to be printed.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 463. Resolution providing for consideration of the conference report to accompany the bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes (Rept. 111–125). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 464. Resolution providing for consideration of the bill (H.R. 915) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes (Rept. 111–126). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. KIRKPATRICK of Arizona (for herself and Mr. FLAKE):

H.R. 2509. A bill to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; to the Committee on Natural Resources.

By Mrs. DAVIS of California (for herself and Mr. MCCARTHY of California):

H.R. 2510. A bill to amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access, and for other purposes; to the Committee on House Administration.

By Mr. EHLERS (for himself, Mr. HOLT, and Mr. HONDA):

H.R. 2511. A bill to amend the Elementary and Secondary Education Act of 1965 to require the use of science assessments in the calculation of adequate yearly progress, and for other purposes; to the Committee on Education and Labor.

By Mr. FLAKE (for himself, Mr. KIND, Mr. CAMPBELL, Mr. WALZ, Mr. HENSARLING, Mr. COOPER, Mr. KIRK, and Mr. SMITH of Washington):

H.R. 2512. A bill to amend the Congressional Budget Act of 1974 to prohibit the consideration in the House of Representatives or the Senate of measures that appropriate funds for earmarks to private, for-profit entities; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAUER (for himself, Mr. UPTON, Mr. STUPAK, Ms. DEGETTE, Mr. BRALEY of Iowa, Ms. WASSERMAN SCHULTZ, Mr. MASSA, Mr. CLYBURN, Mr. CROWLEY, Mrs. LOWEY, and Mr. GORDON of Tennessee):

H.R. 2513. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a Food Protection Training Institute, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY of Massachusetts:

H.R. 2514. A bill to restore the jurisdiction of the Consumer Product Safety Commission over amusement park rides which are at a fixed site, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself, Ms. ROYBAL-ALLARD, and Mrs. MALONEY):

H.R. 2515. A bill to amend the Family and Medical Leave Act of 1993 to allow leave to address domestic violence, sexual assault, or stalking and their effects, and to include domestic partners under the Act, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. DENT, Mrs. BIGGERT, Mr. BOUSTANY, Mr. PLATTS, Mr. PAULSEN, Ms. GINNY BROWN-WAITE of Florida, Mr. SCHOCK, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. LANCE, Ms. FOXX, and Mr. REICHERT):

H.R. 2516. A bill to guarantee the rights of patients and doctors against Federal restrictions or delay in the provision of privately-funded health care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. CAPUANO, Mr. ELLISON, Mr. ENGEL, Ms. HARMAN, Mr. HOLT, Mr. KENNEDY, Mr. LANGEVIN, Mrs. MALONEY, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCDERMOTT, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER of New York, Ms. NORTON, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SUTTON, Mr. TIERNEY, Ms. WASSERMAN SCHULTZ, Mr. WU, Mr. CUMMINGS, Mr. KUCINICH, Ms. VELÁZQUEZ, Mr. WAXMAN, Ms. BERKLEY, Mrs. CAPPS, Mr. MOORE of Kansas, Mr. WEINER, Mr. CONNOLLY of Virginia, Mr. HASTINGS of Florida, Mr. PASTOR of Arizona, Mr. WELCH, Ms. WOOLSEY, Mr. MCGOVERN, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. STARK, Mr. DINGELL, Mr. GEORGE MILLER of California, Mr. SARBANES, Mr. ROTHMAN of New Jersey, Mr. CROWLEY, Mr. WEXLER, Mr. FARR, Ms. LINDA T. SÁNCHEZ of California, Mr. CARSON of Indiana, Ms. DEGETTE, Mr. DELAHUNT, Mr. JACKSON of Illinois, Mr. MICHAUD, Mrs. LOWEY, Ms. ESHOO, Mr. GUTIERREZ, Mr. POLIS of Colorado, Mr. ACKERMAN, Mr. FILNER, Mr. CLYBURN, and Mr. QUIGLEY):

H.R. 2517. A bill to provide certain benefits to domestic partners of Federal employees; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself, Mr. JORDAN of Ohio, Mr. LATHAM, Mr. DUNCAN, Mr. SOUDER, and Mr. BURTON of Indiana):

H.R. 2518. A bill to prevent undue disruption of interstate commerce by limiting civil actions brought against persons whose only role with regard to a product in the stream of commerce is as a lawful seller of the product; to the Committee on the Judiciary, and in addition to the Committee on Energy and

Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Alabama (for himself and Mr. KING of New York):

H.R. 2519. A bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself and Mr. NUNES):

H.R. 2520. A bill to provide comprehensive solutions for the health care system of the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. ELLISON, Mr. ISRAEL, Mr. WEINER, Ms. BORDALLO, Ms. HIRONO, Mr. DELAHUNT, Ms. SUTTON, Mr. RYAN of Ohio, Mr. WELCH, Ms. WOOLSEY, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. DRIEHAUS, Mr. MCDERMOTT, Ms. BERKLEY, Mr. MASSA, Mr. COURTNEY, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, Ms. MOORE of Wisconsin, Mr. VAN HOLLEN, Mr. ETHERIDGE, Mr. FATTAH, Mr. YARMUTH, Mr. LARSON of Connecticut, and Mr. FARR):

H.R. 2521. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Bank, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 2522. A bill to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes; to the Committee on Natural Resources.

By Mr. HEINRICH:

H.R. 2523. A bill to amend the Act titled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. KING of New York (for himself, Mr. PAUL, and Mr. BURTON of Indiana):

H.R. 2524. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from individual retirement plans for adoption expenses; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. PASCRELL, Mr. ADLER of New Jersey, Mr. MURPHY of Connecticut, Mr. COURTNEY, Mr. SIRES, Mr. ROTHMAN of New Jersey, Mr. LOBIONDO, Mr. HIMES, Mr. LANCE, Mr. GARRETT of New Jersey, and Mr. FRELINGHUYSEN):

H.R. 2525. A bill to require application of budget neutrality on a national basis in the calculation of the Medicare hospital wage index floor for each all-urban and rural State; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut:

H.R. 2526. A bill to amend the Internal Revenue Code of 1986 to increase participation in medical flexible spending arrangements; to the Committee on Ways and Means.

By Ms. MARKEY of Colorado:

H.R. 2527. A bill to provide authority for certain debt refinancing with respect to financings approved under title V of the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. MEEK of Florida:

H.R. 2528. A bill to amend the Internal Revenue Code of 1986 to extend the credit period for certain open-loop biomass facilities; to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California (for himself and Mr. DONNELLY of Indiana):

H.R. 2529. A bill to amend the Federal Deposit Insurance Act to authorize depository institutions and depository institution holding companies to lease foreclosed property held by such institutions and companies for up to 5 years, and for other purposes; to the Committee on Financial Services.

By Mr. NADLER of New York:

H.R. 2530. A bill to authorize the Secretary of Transportation to make capital grants for certain freight rail economic development projects; to the Committee on Transportation and Infrastructure.

By Mrs. NAPOLITANO (for herself, Ms. DEGETTE, Mr. TIM MURPHY of Pennsylvania, Mr. FRANK of Massachusetts, Ms. BORDALLO, Ms. ROYBAL-ALLARD, Mr. COSTELLO, Mrs. BONO MACK, Mr. BISHOP of Georgia, Mr. KENNEDY, Mr. SERRANO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BALDWIN, Mr. OLVER, Mr. BACA, Mr. MCGOVERN, Mrs. CHRISTENSEN, Mr. RODRIGUEZ, Mr. GENE GREEN of Texas, Mr. SESTAK, and Mrs. CAPPS):

H.R. 2531. A bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 2532. A bill to amend the Housing and Community Development Act of 1974 to increase the limitation on the amount of community development block grant assistance that may be used to provide public services; to the Committee on Financial Services.

By Mr. PAUL (for himself and Mr. BARTLETT):

H.R. 2533. A bill to provide that human life shall be deemed to exist from conception, and for other purposes; to the Committee on the Judiciary.

By Mr. TANNER:

H.R. 2534. A bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH:

H.R. 2535. A bill to establish a Blueprint for Health in order to create a comprehensive system of care incorporating medical homes to improve the delivery and affordability of health care through disease prevention, health promotion, and education about and better management of chronic conditions; to the Committee on Energy and Commerce.

By Mr. WEXLER (for himself, Mr. SENSENBRENNER, Mrs. LOWEY, Mr. BILBRAY, and Mr. COHEN):

H.R. 2536. A bill to provide relief for the shortage of nurses in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD (for himself and Mr. ROHRABACHER):

H.J. Res. 52. A joint resolution proposing an amendment to the Constitution of the United States to temporarily fill mass vacancies in the House of Representatives and the Senate and to preserve the right of the people to elect their Representatives and Senators in Congress; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself and Mr. BAIRD):

H.J. Res. 53. A joint resolution proposing an amendment to the Constitution of the United States relating to Congressional succession; to the Committee on the Judiciary.

By Mr. DICKS:

H. Con. Res. 129. Concurrent resolution congratulating the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols; to the Committee on Armed Services.

By Mr. LANCE (for himself, Mr. CONNOLLY of Virginia, Mr. EHLERS, Mr. BURTON of Indiana, Mr. FLEMING, Ms. JENKINS, Mr. BOOZMAN, Mr. ROONEY, Mr. LAMBORN, Mrs. BIGGERT, Mr. SIMPSON, Mr. KING of New York, and Mrs. CAPITO):

H. Con. Res. 130. Concurrent resolution expressing support for the current standards of the Federal mortgage interest tax deduction; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California:

H. Con. Res. 131. Concurrent resolution directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God we trust'' in the Capitol Visitor Center; to the Committee on House Administration.

By Mr. TIAHRT (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. SIRES, Mr. BURTON of Indiana, Mr. MACK, Mr. SHULER, and Ms. WASSERMAN SCHULTZ):

H. Con. Res. 132. Concurrent resolution expressing the sense of Congress that with respect to the totalitarian government of Cuba, the United States should pursue a policy that insists upon freedom, democracy, and human rights, including the release of all political prisoners, the legalization of political parties, free speech and a free press, and supervised elections, before increasing United States trade and tourism to Cuba; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana:

H. Res. 460. A resolution providing for consideration of the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran; to the Committee on Rules.

By Mr. MCNERNEY:

H. Res. 461. A resolution honoring Sentinels of Freedom and commending the dedication, commitment, and extraordinary work of the organization; to the Committee on Veterans' Affairs.

By Mr. LATOURETTE (for himself, Mr. MCCOTTER, Mr. GOHMERT, Mr. TIBERI, Mr. BURTON of Indiana, Mr. THOMPSON of Pennsylvania, Mrs. LUMMIS, Mrs. CAPITO, and Mr. ROSKAM):

H. Res. 462. A resolution requesting that the President transmit to the House of Representatives all information in his possession

relating to specific communications with Chrysler LLC (''Chrysler''); to the Committee on Energy and Commerce.

By Mr. BROWN of South Carolina:

H. Res. 465. A resolution recognizing the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HONDA (for himself, Mr. DENT, Mr. CAO, Mr. TOWNS, Mr. MCDERMOTT, Mr. MEEKS of New York, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. WU, Ms. SPEIER, Mr. AL GREEN of Texas, Mr. BROUN of Georgia, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. WEXLER, Mr. BACA, Mr. CASSIDY, Ms. LEE of California, Mr. CROWLEY, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. GERLACH, Mrs. MALONEY, Mr. MORAN of Virginia, Mr. KENNEDY, Mr. RANGEL, Mr. BISHOP of New York, Mr. BECERRA, Mr. SABLAN, and Ms. RICHARDSON):

H. Res. 466. A resolution recognizing World Hepatitis Awareness Month and World Hepatitis Day May 19, 2009; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA:

H. Res. 467. A resolution honoring and Commending Alissa Czisny for winning the 2009 United States Figure Skating Championship; to the Committee on Oversight and Government Reform.

By Mr. SIRES:

H. Res. 468. A resolution supporting the designation of National Tourette Syndrome Day; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. PETRI, Mr. LUJÁN, Mr. CARTER, Mr. DEFAZIO, and Mr. LATTA.

H.R. 108: Mr. LATHAM.

H.R. 116: Mr. COHEN.

H.R. 179: Mr. KENNEDY.

H.R. 235: Mrs. CAPITO and Mr. SCHAUER.

H.R. 303: Mr. DAVIS of Tennessee and Ms. KOSMAS.

H.R. 333: Mr. CALVERT, Mr. ROGERS of Alabama, Mr. DELAHUNT, Mr. HEINRICH, and Ms. KOSMAS.

H.R. 389: Mr. AL GREEN of Texas.

H.R. 391: Mr. BARTON of Texas and Mr. FLEMING.

H.R. 394: Mr. BISHOP of Utah.

H.R. 463: Mr. LEWIS of Georgia and Mr. SMITH of Washington.

H.R. 504: Mr. CARNAHAN.

H.R. 510: Mr. GUTHRIE.

H.R. 560: Mr. KRATOVIL.

H.R. 574: Mr. DRIEHAUS.

H.R. 621: Mr. WALDEN, Mrs. CAPITO, Mr. NEAL of Massachusetts, Mr. ARCURI, Mr. SHULER, Mr. HINOJOSA, Mr. LIPINSKI, and Mr. KING of New York.

H.R. 655: Ms. BALDWIN.

H.R. 676: Ms. NORTON and Ms. ZOE LOFGREN of California.

H.R. 678: Mr. LIPINSKI.

H.R. 716: Mr. LATHAM and Mr. BRADY of Pennsylvania.

H.R. 745: Mr. GONZALEZ and Mr. ADLER of New Jersey.

H.R. 775: Mr. MARIO DIAZ-BALART of Florida, Mr. BILBRAY, Mr. CARSON of Indiana, Mr. PALLONE, Mr. SCHIFF, Mr. ROE of Tennessee, and Mr. TIERNEY.

H.R. 782: Mr. NEUGEBAUER.

H.R. 804: Mr. POSEY.

H.R. 824: Ms. EDWARDS of Maryland.

H.R. 840: Ms. WOOLSEY, Mr. SCHIFF, and Mr. COHEN.

H.R. 847: Mr. GARRETT of New Jersey.

H.R. 873: Mrs. DAVIS of California and Mr. CARNEY.

H.R. 874: Mr. CLYBURN, Mr. LOEBSACK, and Mr. LEVIN.

H.R. 879: Mr. PLATTS.

H.R. 904: Ms. ESHOO.

H.R. 916: Mr. HEINRICH.

H.R. 958: Mr. HASTINGS of Florida, Mr. WESTMORELAND, Mr. RUSH, Mrs. EMERSON, Mr. ELLSWORTH, Mr. KILDEE, Mr. SHULER, Mr. DAVIS of Tennessee, Mr. HIGGINS, Mr. SCOTT of Georgia, Mr. SIRES, Mr. KAGEN, and Mr. ANDREWS.

H.R. 959: Mr. CONNOLLY of Virginia and Ms. TITUS.

H.R. 980: Mr. THOMPSON of California, Mr. NEAL of Massachusetts, Ms. HARMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. KENNEDY, Mr. COHEN, Mr. GARRETT of New Jersey, and Ms. ROYBAL-ALLARD.

H.R. 1016: Mr. GALLEGLY and Mr. DELAHUNT.

H.R. 1020: Mr. FRANK of Massachusetts, Mr. THOMPSON of Mississippi, Mr. KUCINICH, Mr. HODES, Ms. SCHWARTZ, and Mr. HARE.

H.R. 1032: Mr. PATRICK J. MURPHY of Pennsylvania, Ms. JENKINS, Mr. CAO, Mr. MORAN of Virginia, and Mr. BOSWELL.

H.R. 1064: Mr. JONES.

H.R. 1074: Mr. MILLER of Florida, Mr. ROONEY, and Mr. CALVERT.

H.R. 1079: Mr. WELCH and Mr. PRICE of North Carolina.

H.R. 1085: Mr. TERRY.

H.R. 1126: Mr. SCHIFF.

H.R. 1142: Mr. WITTMAN.

H.R. 1189: Mr. MORAN of Kansas.

H.R. 1190: Mr. MCINTYRE.

H.R. 1193: Mr. PLATTS.

H.R. 1201: Mr. WELCH and Mr. FOSTER.

H.R. 1207: Mr. PASTOR of Arizona, Ms. GINNY BROWN-WAITE of Florida, Mr. ALTMIRE, Mr. LATTA, Mr. REICHERT, Mr. ROGERS of Michigan, Mr. BERRY, Mr. SCHAUER, Mr. SCALISE, and Mr. FORBES.

H.R. 1213: Mr. GUTHRIE.

H.R. 1316: Mr. NUNES.

H.R. 1321: Ms. ZOE LOFGREN of California.

H.R. 1335: Mr. SPACE, Mr. MCNERNEY, Mr. HALL of New York, Mr. COSTELLO, Mr. AL GREEN of Texas, and Mr. CARNAHAN.

H.R. 1362: Mr. KENNEDY and Mr. KLEIN of Florida.

H.R. 1410: Mr. LANCE, Mr. LATHAM, Ms. CORRINE BROWN of Florida, Mr. PLATTS, and Mr. DRIEHAUS.

H.R. 1427: Mr. LINDER.

H.R. 1454: Mr. MARIO DIAZ-BALART of Florida, Mrs. LUMMIS, Mr. FORBES, Mr. KLINE of Minnesota, Mr. COLE, Mr. BARTLETT, Mr. BROUN of Georgia, and Mr. THOMPSON of Pennsylvania.

H.R. 1470: Mr. MARSHALL.

H.R. 1509: Mr. SIMPSON.

H.R. 1521: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. ORTIZ.

H.R. 1523: Mr. ELLISON, Mr. DAVIS of Illinois, and Ms. DELAURO.

H.R. 1526: Ms. GIFFORDS, Ms. LINDA T. SÁNCHEZ of California, and Mrs. CHRISTENSEN.

H.R. 1548: Mr. MURTHA, Mr. CAO, and Mr. KRATOVIL.

H.R. 1552: Mr. SIMPSON and Mr. KISSELL.

H.R. 1557: Mr. FOSTER.

H.R. 1615: Mr. LATHAM.

H.R. 1625: Mr. KIND and Mr. DEFAZIO.

H.R. 1646: Mr. KILDEE, Mr. ROTHMAN of New Jersey, Ms. NORTON, Mr. LEWIS of Georgia, and Mr. MARSHALL.

H.R. 1677: Mr. DICKS.

H.R. 1684: Mr. CALVERT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MACK, and Mr. GINGREY of Georgia.

H.R. 1708: Mr. KLEIN of Florida.

H.R. 1735: Mr. MCINTYRE.

H.R. 1740: Mr. INSLEE, Mr. CALVERT, and Mr. QUIGLEY.

H.R. 1741: Mr. POE of Texas.

H.R. 1751: Mr. MAFFEI, Mr. MEEKS of New York, Mr. ROTHMAN of New Jersey, and Mrs. LOWEY.

H.R. 1763: Mr. MANZULLO.

H.R. 1799: Mr. SMITH of Texas.

H.R. 1802: Mr. WILSON of South Carolina, Mr. CONAWAY, Mr. SCALISE, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1826: Mr. MCDERMOTT and Mr. DELAHUNT.

H.R. 1844: Mr. GORDON of Tennessee.

H.R. 1895: Mr. FILNER.

H.R. 1903: Mr. SIMPSON, Mrs. MYRICK, Mr. KLINE of Minnesota, Mr. BOOZMAN, Mrs. BACHMANN, Mr. SENSENBRENNER, Mr. CULBERSON, and Mr. TERRY.

H.R. 1904: Mr. ROYCE and Mr. KAGEN.

H.R. 1927: Mr. SMITH of New Jersey and Mr. PRICE of North Carolina.

H.R. 1932: Mr. MICHAUD.

H.R. 2002: Mr. KILDEE and Mr. LANGEVIN.

H.R. 2006: Mr. SARBANES and Ms. EDWARDS of Maryland.

H.R. 2009: Mr. MCKEON, Mr. FRANKS of Arizona, Mr. POSEY, Mr. BRADY of Texas, Mr. LUCAS, Mr. SHADEGG, and Mr. MARCHANT.

H.R. 2014: Mr. GENE GREEN of Texas, Mr. PASTOR of Arizona, Mr. AL GREEN of Texas, Mr. BAIRD, Mr. DELAHUNT, and Mr. RANGEL.

H.R. 2030: Mr. MCCOTTER and Ms. SCHAKOWSKY.

H.R. 2035: Mr. WAMP.

H.R. 2054: Mr. CARNAHAN, Mr. KRATOVIL, Mr. ROTHMAN of New Jersey, Ms. MCCOLLUM, Mr. FARR, Mrs. DAVIS of California, and Mr. HODES.

H.R. 2055: Ms. HIRONO and Mr. YOUNG of Alaska.

H.R. 2061: Mr. MILLER of Florida, Mr. BARTLETT, and Mr. SAM JOHNSON of Texas.

H.R. 2067: Mr. AL GREEN of Texas.

H.R. 2071: Mr. MEEKS of New York.

H.R. 2095: Mr. CLAY.

H.R. 2102: Mr. HARE.

H.R. 2103: Mr. PASTOR of Arizona.

H.R. 2106: Mr. BOOZMAN.

H.R. 2132: Mr. WEXLER.

H.R. 2152: Ms. BERKLEY.

H.R. 2161: Ms. DELAURO and Ms. SCHWARTZ.

H.R. 2189: Mr. ROHRABACHER, Mr. BOREN, Mr. BARTLETT, Mr. CRENSHAW, Ms. FOXX, Mr. HILL, Mrs. MYRICK, Mr. TAYLOR, Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. HARPER, Mr. HOEKSTRA, and Mr. PAUL.

H.R. 2193: Mr. WITTMAN, Mr. HERGER, Mr. BARTLETT, Mr. AKIN, Mr. DANIEL E. LUNGREN of California, Mr. RYAN of Wisconsin, Mr. ISSA, Mr. LAMBORN, Mr. LUETKEMEYER, Mr. CANTOR, Mr. FORBES, Mr. OLSON, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. LEE of New York, and Mr. FLEMING.

H.R. 2194: Mr. ROE of Tennessee, Mr. MELANCON, Mr. MCHENRY, Mr. HEINRICH, Mr. OLSON, Mr. BOOZMAN, Mr. CANTOR, Mrs. KIRKPATRICK of Arizona, Mr. COHEN, Mr. VAN HOLLEN, Mr. SPACE, Mr. GUTHRIE, Mr. LUCAS, Mr. LIPINSKI, Mr. MICHAUD, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. ROGERS of Alabama, Mr. FLEMING, Mr. NEUGEBAUER, Mr. LEVIN, Mr. BOSWELL, and Mr. SAM JOHNSON of Texas.

H.R. 2248: Mr. CARNAHAN and Mr. GORDON of Tennessee.

H.R. 2251: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MARIO DIAZ-BALART of Florida, and Mrs. LOWEY.

H.R. 2254: Mr. MCHUGH, Mr. GORDON of Tennessee, Mr. BRIGHT, and Mr. BOSWELL.

H.R. 2272: Mr. LOEBSACK.

H.R. 2294: Mr. BARTON of Texas, Mr. FRELINGHUYSEN, Mr. LATOURETTE, Mr. GARRETT of New Jersey, Mr. CAMPBELL, Mr. STEARNS, Mr. SHIMKUS, Mr. CASSIDY, Mr.

REICHERT, Mr. PRICE of Georgia, Mrs. MYRICK, Mrs. BLACKBURN, and Mr. WALDEN.

H.R. 2304: Mr. MCGOVERN, Mr. GINGREY of Georgia, and Mrs. CAPITO.

H.R. 2313: Mr. HONDA and Mr. PAULSEN.

H.R. 2319: Ms. BALDWIN.

H.R. 2329: Mr. HASTINGS of Florida, Mr. BUTTERFIELD, and Ms. HIRONO.

H.R. 2350: Mr. SESTAK, Mr. SPRATT, Mr. PAYNE, and Mr. BOUCHER.

H.R. 2360: Mr. SCHAUER, Mr. LIPINSKI, Mr. PAULSEN, Ms. SHEA-PORTER, and Mr. DAVIS of Alabama.

H.R. 2366: Mr. ISRAEL.

H.R. 2368: Mrs. CAPPS.

H.R. 2378: Mr. HUNTER, Mr. LIPINSKI, Mr. MCCOTTER, Mr. MCHENRY, Mr. BERRY, Mr. INGLIS, Mr. KISSELL, Mr. HOEKSTRA, Mr. BISHOP of Utah, and Mr. CARNEY.

H.R. 2415: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2416: Mr. RODRIGUEZ and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2422: Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. AL GREEN of Texas, Mr. POE of Texas, Mr. HALL of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THORNBERRY, Mr. DOGGETT, and Mr. ORTIZ.

H.R. 2427: Ms. SLAUGHTER.

H.R. 2452: Ms. FUDGE and Mr. HERGER.

H.R. 2456: Mr. SCHIFF and Mr. GUTIERREZ.

H.R. 2458: Mr. CHAFFETZ and Mr. FORBES.

H.R. 2468: Mr. ROYCE.

H.R. 2474: Mrs. DAVIS of California, Mr. WAXMAN, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. SCHIFF, Mrs. CAPPS, Mr. FARR, Mrs. TAUSCHER, Mr. CARDOZA, Ms. ESHOO, Mr. FILNER, Mr. BERMAN, and Mr. SHERMAN.

H.R. 2499: Mr. CUMMINGS, Mr. MCCOTTER, and Mr. CONAWAY.

H.J. Res. 47: Mr. MCINTYRE and Mr. LOBIONDO.

H. Con. Res. 59: Mr. WOLF and Mr. MCGOVERN.

H. Con. Res. 105: Mr. BOUSTANY.

H. Con. Res. 109: Mr. GENE GREEN of Texas, Mrs. MYRICK, Mr. GRAYSON, Ms. KOSMAS, Mr. KISSEL, Mr. PASCRELL, Mr. SPRATT, Mr. WOLF, Mr. VAN HOLLEN, Mr. MINNICK, Ms. BALDWIN, Mr. DRIEHAUS, and Mr. HILL.

H. Res. 16: Mr. MCCOTTER.

H. Res. 111: Mr. BARTLETT, Mr. RUSH, Ms. BALDWIN, Ms. SHEA-PORTER, Mrs. DAHLKEMPER, and Ms. EDWARDS of Maryland.

H. Res. 156: Mr. DUNCAN and Mrs. BLACKBURN.

H. Res. 209: Mr. HOLT, Mrs. MCCARTHY of New York, Mr. SCHIFF and Mr. VAN HOLLEN.

H. Res. 225: Mr. SAM JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. HARPER, Mr. BOUSTANY, Mr. JONES, Mr. SENSENBRENNER, and Mr. ADERHOLT.

H. Res. 236: Mr. SCHIFF and Mr. VAN HOLLEN.

H. Res. 259: Mrs. DAHLKEMPER.

H. Res. 260: Mr. ALTMIRE, Mr. TEAGUE, Ms. BERKLEY, Ms. TITUS, Mr. JOHNSON of Georgia, Ms. MARKEY of Colorado, and Mr. COURTNEY.

H. Res. 291: Mr. PAYNE, Mr. SHERMAN, Mr. MEEKS of New York, Ms. WATSON, and Ms. JACKSON-LEE of Texas.

H. Res. 366: Mr. SMITH of Texas, Mr. GINGREY of Georgia, Ms. ROS-LEHTINEN, Mr. FILNER, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. MELANCON, and Mr. OLVER.

H. Res. 373: Mr. GARRETT of New Jersey, and Mrs. MCMORRIS RODGERS.

H. Res. 389: Mr. SESTAK.

H. Res. 395: Mr. INSLEE.

H. Res. 397: Mr. LIPINSKI and Mr. BARTLETT.

H. Res. 408: Mr. ROONEY and Mr. SHUSTER.

H. Res. 412: Mr. GONZALEZ.

H. Res. 420: Mr. ROSKAM, Ms. FOXX, Ms. GRANGER, Mr. CONAWAY, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. PRICE of Georgia, Mr. COFFMAN of Colorado, Mr. JORDAN of Ohio, Mr. TEAGUE, and Mr. YOUNG of Florida.

H. Res. 429: Mr. FLEMING, Mr. ROSS, Mr. ALEXANDER, Ms. BALDWIN, Mr. BRIGHT, and Mr. DUNCAN.

H. Res. 430: Mr. WEINER.

H. Res. 437: Mr. GUTHRIE.

H. Res. 440: Mr. QUIGLEY.

H. Res. 443: Mr. CARNAHAN.